United Nations A/HRC/25/56

General Assembly

Distr.: General
6 January 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Independent Expert on minority issues, Rita Izsák

Summary

The present report provides an update on the activities of the mandate holder since submission of her previous report. The Independent Expert includes a thematic discussion on "Ensuring the inclusion of minority issues in post-2015 development agendas". As momentum builds towards the shaping of new global development goals, addressing inequalities has emerged as a core area of discussion and consultation. This gives greater attention to the issues of women, those with disabilities, the elderly and vulnerable groups. However the Independent Expert considers that the issues of minorities remain relatively poorly reflected in the emerging discussions, both internationally and nationally. She urges greater and systematic attention to disadvantaged minorities who constitute hundreds of millions of the poorest and most socially and economically marginalized and excluded people globally.

The Independent Expert identifies the need for the new global development agenda to include specific goals relating to addressing inequality and promoting social inclusion, which include specific requirements and targets focused on activities to address the situations of disadvantaged minority groups. Human rights-based approaches to development are essential and must give greater attention to the promotion and protection of minority rights, which offers an important path to development for national, ethnic, religious and linguistic minorities.

GE.14-10072

1410072

Please recycle

Contents

		Paragraphs	*Page*
I.	Introduction	1–2	3
II.	Activities of the Independent Expert	3–29	3
	A. Thematic activities and reports	3–11	3
	B. Country visits	12–14	5
	C. Communications	15	6
	D. Additional activities	16–26	6
	E. Update on the Forum on Minority Issues	27–29	8
III.	Ensuring the inclusion of minority issues in post-2015 development agendas	30–45	9
	Introduction	30–45	9
IV.	Minorities in the context of specific areas of development consultation	46–80	12
	A. Inequalities	46–58	12
	B. Education	59–61	16
	C. Health	62–64	17
	D. Growth and employment	65–66	17
	E. Hunger, food security and nutrition	67	18
	F. Conflict and fragility	68–70	18
	G. Environmental sustainability	71–72	19
	H. Governance	73–74	20
	I. Energy	75–76	20
	J. Water	77–78	21
	K. Population dynamics	79–80	21
V.	Conclusion and recommendations	81–91	22

I. Introduction

1. The mandate of the Independent Expert on minority issues was established by the Commission on Human Rights in 2005 (resolution 2005/79), and extended by Human Rights Council (resolution 7/6). On 24 March 2011, the Council decided to renew the mandate of the Independent Expert for an additional three years (resolution 16/6) and Rita Izsák was appointed mandate holder and assumed her functions on 1 August 2011. The Independent Expert is required, inter alia, to promote implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultation with Governments.

2. In chapter II of this report, the Independent Expert provides a brief overview of her activities since the submission of her previous report (A/HRC/22/49). In chapters III and IV she focuses on ensuring the inclusion of minority issues in post-2015 development agendas and chapter V provides a series of conclusions and recommendations.

II. Activities of the Independent Expert

A. Thematic activities and reports

1. Religious minorities

Participation in conferences and consultations

3. In her workplan presented in 2012 to the Council, the Independent Expert committed herself to pay particular attention to the rights of religious minorities in 2013 and beyond, recognizing the general lack of dedicated attention given to their minority rights beyond guaranteeing their freedom or religion or belief. The Independent Expert also recognized that this is a subject of considerable global interest and therefore decided to dedicate the sixth Forum on Minority Issues to the rights of religious minorities.

4. She sent a questionnaire to all Member States on 25 April 2013 on measures to ensure the rights and security of religious minorities. The questionnaire focused on the identification of positive practices for the protection and promotion of the rights of religious minorities, including initiatives in the area of interfaith dialogue and the promotion of harmonious relations between different faith groups. She thanks responding States including: Argentina, Austria, Australia, Bosnia and Herzegovina, Bulgaria, China, Cuba, Denmark, Estonia, Guatemala, Iraq, the Islamic Republic of Iran, Italy, Jordan, Latvia, Lithuania, Luxembourg, Mauritius, Mexico, Mongolia, Montenegro, Oman, Pakistan, Paraguay, Poland, the Republic of Moldova, Serbia, Slovakia, Spain, Switzerland, Thailand, Ukraine, and the United States of America.

5. On 6 June 2013, the Independent Expert convened an Expert Group Meeting "Beyond Belief: The rights and security of religious minorities" in Geneva. It was attended by national and international experts in the field of religious minority rights from different regions, including Heiner Bielefeldt, Special Rapporteur on freedom of religion or belief (via video-conference). The objective was to inform her report to be submitted to the General Assembly's sixty-eighth session. Expert speakers presented on issues that included: key concepts and standards; identification of challenges and violations, including non-discrimination, recognition and security; positive practices; the security of religious minorities in conflict and post-conflict situations; and strengthening responses to rights violations against religious minorities.

6. The Independent Expert presented her annual report to the General Assembly (A/68/268) at the sixty-eighth session of the General Assembly on 23 October 2013. The report had a thematic focus on minority rights-based approaches to the protection and promotion of the rights of religious minorities. Therein, the Independent Expert highlighted the fact that the rights of religious minorities are poorly implemented in practice and in all regions they face discrimination, social exclusion, marginalization and often harassment, persecution and violence. The rights of religious minorities go beyond freedom of religion and belief. The wider group rights of religious minorities are frequently neglected by Governments. Minority rights require positive actions on the part of States based on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Legislation, policies and specific measures are required to create substantive equality in all areas of cultural, economic, political, public, religious and social life.

7. The Independent Expert acknowledges the important work of the Special Rapporteur on freedom of religion or belief and welcomes his 2013 report to the Council on religious minorities (A/HRC/22/51). On 28 October, she (together with the Special Rapporteur) was a panellist in a side event at the General Assembly organized by the Government of Canada, titled "International Efforts to Promote and Protect Freedom of Religion or Belief: Where Can The United Nations Play an Effective Role?"

2. Linguistic minorities

8. The Independent Expert's previous report to the Council (A/HRC/22/49) in 2013 discussed the rights of, and challenges experienced by, linguistic minorities. She highlighted the warning that half of the world's estimated 6,000 plus languages are under threat, and urged Governments to take necessary steps to protect minority communities and their language heritage (para. 39). She has continued to collect information on good practices from all regions relating to such issues as: threats to the existence of minority languages and linguistic minorities; recognition of minority languages and linguistic rights; minority languages in public life; minority languages in education, the media, public administration and judicial fields; and provision of information and services in minority languages.

9. On 13 March 2013, the Independent Expert convened a roundtable discussion on linguistic minorities with Member States, non-governmental organizations (NGOs), representatives of academia and linguistic minority communities, to identify initiatives that have proved successful in ensuring the rights of linguistic minorities. Over 60 participants shared their experiences and views, including regarding future possibilities for the work of United Nations mechanisms in the field of linguistic minority issues globally. In 2013, the Independent Expert began work to prepare a practical guide and a compilation of effective practices to assist policymakers and others. She plans to publish it online by mid-2014, following further consultation.

3. Minority women and girls

10. The Independent Expert participated in conferences on the issues of minority women and girls. She used her participation to raise awareness about mechanisms in the United Nations human rights system for the protection of women and how they can be used effectively, and to introduce the recommendations of the fourth session of the Forum on Minority Issues that focused on the rights of minority women and girls. She served as the General Rapporteur of the Fourth International Conference of Roma Women in Helsinki on 16 and 17 September 2013. The event discussed ways of improving the situation for individual women, their families and communities and the aims included developing

strategies for the protection of the rights of women, and improving networking between Roma women and other groups working for gender equality.

11. The Independent Expert attended an event on double discrimination against minority women, organized by the Club de Madrid,[1] on 1 and 2 October 2013. The meeting focused on women belonging to minority groups, and explored how they can transcend traditional roles to advance their rights and be empowered as agents of change. She spoke at the Hungarian Women's Congress in Budapest, organized by the Hungarian Women's Lobby. The Congress brought gender equality to the forefront of public discourse before parliamentary and local government elections and elections to the European Parliament to be held in 2014.

B. Country visits

12. The Independent Expert visited Cameroon between 2 and 11 September 2013 and thanks the Government for its excellent cooperation. With over 250 ethnic groups, the Government is rightly proud of the country's diversity and stability. While challenges remain, the Government appears willing to involve minorities in finding effective solutions. Pygmy and Mbororo pastoralist communities are among the poorest in Cameroon and issues relating to land and livelihood are of primary importance to these communities. Language issues include the decline of some of the country's many mother-tongue languages. While a national bilingual language policy exists, Anglophone representatives allege discrimination in such areas as access to employment and political appointments. Freedom of religion is generally evident; however, Pentecostal church leaders complained of closure of churches and discriminatory treatment. The report on the mission is contained in addendum 1 to the present report (A/HRC/25/56/Add.1).

13. The Independent Expert thanks the Government of Nigeria for agreeing to a visit during early 2014. She urges other States that she has requested to visit to respond positively to her. She draws attention to the press release of mandate holders on Human Rights Day calling for stronger cooperation of Member States.[2]

14. The Independent Expert travelled to Malaysia at the invitation of a human rights organization, Pusat KOMAS. She thanks all those civil society actors she met and with whom she held discussions. She also met high-level officials including ministers in the Prime Minister's Departments for National Unity and Integration and for Human Rights. During her meetings, she gave an introduction to international standards and principles for the protection of minority rights, discussed the importance of Malaysia ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, and the need for disaggregated data, especially for assessing the need for existing affirmative action policies. She highlighted to Government officials her desire visit Malaysia on an official mission and noted her long-standing visit request.

---

[1] An independent non-profit organization composed of over 90 former Presidents and Prime Ministers from more than 60 countries.

[2] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14083&LangID=E.

C. Communications

15. The Independent Expert continues to receive information from diverse sources about human rights violations perpetrated against national, ethnic, religious and linguistic minorities. Based on this information, she has sent communications in the form of letters of allegation and urgent action letters relating to minority issues to Member States over the reporting period, the majority sent jointly with other relevant mandates. These are made publicly available together with responses from concerned Governments in the joint s communications reports of the special procedures submitted to the Council.[3]

D. Additional activities

1. Strengthening collaborations

16. As follow-up to a recommendation made at the fifth Forum on Minority Issues, the Independent Expert attended the fifty-third session of the African Commission on Human and Peoples' Rights in Banjul, in April 2013. She held a consultation with the Working Group on Indigenous Populations/Communities in Africa and noted with appreciation its openness to engaging in further dialogue concerning minority issues. She addressed the NGO forum and advised civil society representatives about opportunities for cooperation with her mandate, the United Nations human rights system and the Forum on Minority Issues and encouraged Governmental and NGO representatives to attend future Forum sessions.

17. The Independent Expert encouraged the Commission to look into options for dedicating specific attention to minority issues and ensuring that minority concerns are addressed in a systematic way. On 11 April 2013, she issued a press statement warning that hundreds of minority groups across Africa are in dire need of strengthened attention and protection.[4] She intends to continue her engagement with the Commission and African regional human rights actors and produce a report on minority issues in the African region.

18. The Independent Expert held consultations with the Special Adviser on the Prevention of Genocide, Adama Dieng, to identify ways in which their respective mandates might strengthen their collaboration in the area of prevention of genocide and mass atrocities. She invited Mr. Dieng to attend the Forum on Minority Issues and deliver a keynote speech in which he recognized that populations are often targeted based on their identity or religious belief and expressed concern over religious and sectarian tensions in the Central African Republic, Egypt, Myanmar and the Syrian Arab Republic.

19. The Independent Expert continued her collaboration with the newly established United Nations network on racial discrimination and protection of minorities, which is coordinated by the Office of the United Nations High Commissioner for Human Rights (OHCHR). She also continued to contribute to the global consultations on the post-2015 development agenda and submitted two papers on the consultations about inequalities and about good governance. On 5 December 2013, the Independent Expert participated as a panellist in an event held in Geneva to mark Human Rights Day and the twentieth anniversary of OHCHR.

---

[3] For the latest report, see A/HRC/25/74.

[4] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13220&LangID=E.

2. Events, conferences and outreach

20. On 14 and 15 May 2013, the Independent Expert participated in the conference "Right-wing Extremism and Hate Crime: Minorities under Pressure in Europe and Beyond" in Oslo. She spoke about the importance of early action to confront hateful messages. In November, she joined the Sixth Budapest Human Rights Forum as a panellist on issues of freedom of religion and belief. She contributed to several meetings via video messages, including: on 6 March 2013, a meeting organized by the European Union delegation to the United Nations in Geneva addressing freedom of religion or belief for all; on 10 December, the Regional Ministerial Education Conference co-organized by the Ministry of National Education of Turkey and the United Nations Children's Fund (UNICEF) Regional Office for Central and Eastern Europe and the Commonwealth of Independent States on the theme of including all children in quality learning.

21. The Independent Expert has continued to raise awareness about discrimination on the basis of work and descent. On 24 May 2013, she led a joint statement calling for strengthened protection of more than 260 million victims of caste-based discrimination.[5] On 16 and 17 December 2013, she participated in the Second South Asia Regional Consultation on Caste Based Discrimination in Kathmandu. The objective was to explore contemporary caste-based discrimination issues in the region, as well as to discuss United Nations action to combat such discrimination in country programmes.

22. The Independent Expert enhanced efforts to reach out to young people belonging to minorities. She gave lectures and presentations to youth and student groups (among others at the Central European University in Budapest and Fordham Law School in New York) and participated in youth events, including a youth festival in Hungary, to discuss minorities and hate speech. She met and participated in the closing of the OHCHR Minority Fellowship Programme and as a former fellow herself, encouraged other fellows to take up leadership roles.

23. On 25 November 2013, prior to the session of the Forum on Minority Issues, the Independent Expert hosted a public event "How can you fight hate and intolerance?" The event included the screening of short films from the project "Not in Our Town", focused on how different communities have mobilized to confront hatred and intolerance. This well-attended event and discussion presented positive examples of how individuals and communities can take practical action and generated an interesting dialogue and personal reflections from participants. The Independent Expert plans to host a similar event on an annual basis.

24. The Independent Expert used social media, including Facebook and Twitter, to raise awareness of minority issues and the work of her mandate and other relevant international bodies and mechanisms. These social media sites also provided a platform for discussion of minority issues. Notably, the debate on a Dutch cultural tradition of Sinterklaas and Zwarte Piet was followed by some 13,000 people on her Facebook page within just a few days and resulted in around 500 comments and messages being sent to the Independent Expert directly on this matter.

---

[5] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13352&LangID=E.

3. Statements

25. The Independent Expert issued additional public statements, many jointly with other mandates, to highlight issues of concern involving minorities.[6] These included: on 29 March, calling on all parties in Bangladesh to cease violence, including against the Hindu minority, following large-scale protests across the country in February 2013; on 8 April, a statement to mark International Roma Day, calling for political and legislative commitments to be implemented in practice to bring much needed changes into the lives of Roma; on 4 May, she initiated a joint statement calling for greater protection of people living with albinism, recognizing that their lifelong stigmatization and marginalization is extreme and noting concern over attacks against them; on 13 May, calling on the Iranian authorities for the immediate release of seven Baha'i leaders nearing the fifth anniversary of their arrests, whose detentions were declared arbitrary by the Working Group on Arbitrary Detention in 2008.

26. On 29 October, the Independent Expert issued a statement "Roma in Europe: Guilty until proven innocent?" relating to the removal of children from their Roma families and accusations of child abduction against Roma by authorities and the media. On 21 November, a statement was issued regarding the Dutch celebrations of the arrival of Sinterklaas and his servant, Zwarte Piet (Black Pete), which perpetuates negative stereotypes of Africans and people of African descent. The Government was urged to support and facilitate an open debate in Dutch society by establishing a dedicated platform for this discussion, with a view to identify steps that might respond to the views and concerns of all. On 25 November a statement related to a decision of the Government of Malaysia to ban a Catholic publication from using the word 'Allah' to refer to God, warning that it violates the rights of religious minorities. On 19 December, a statement on Central African Republic urged all sides to step back from the brink of all-out sectarian conflict and an immediate and unconditional halt to the violence and attacks against civilians.

E. Update on the Forum on Minority Issues

27. The Independent Expert is required in resolution 19/23 of March 2012 to guide the sessions of the Forum on Minority Issues, prepare its annual meetings and to report its recommendations to the Council. On 26 and 27 November 2013, the sixth annual session of the Forum took place in Geneva with a thematic focus on guaranteeing the rights of religious minorities.

28. More than 500 delegates participated, representing Member States from all regions, United Nations mechanisms, treaty bodies and specialized agencies, intergovernmental organizations, regional organizations, national human rights institutions and non-governmental organizations and including academics and experts on minority issues. Interventions addressed the many challenges facing religious minorities, provided information about legislation, policies and practices for the protection of their rights, and presented proposals for solutions to problems experienced by religious minorities. Recommendations for guaranteeing the rights of religious minorities emanating from the Forum will be presented to the Council at its twenty-fifth session.

---

[6] Links to the Independent Expert's press releases can be found on her webpage, www.ohchr.org/en/issues/minorities/iexpert/pages/ieminorityissuesindex.aspx.

29. The Independent Expert participated as a panellist in a number of side events that were held during the Forum, including one event hosted by Adama Dieng, Special Adviser on the Prevention of Genocide, on the theme of "Prevention of Incitement to Atrocity Crimes". Other Side-Events included one focused on religious minorities in the Middle East and North African Region, and "Gender Justice and Religion: Women as Agents of Positive Change", which examined the challenges facing women belonging to religious minorities and their role in fostering intercommunity tolerance and dialogue.

III. Ensuring the inclusion of minority issues in post-2015 development agendas

Introduction

30. The following thematic discussion forms part of an ongoing programme of work by the Independent Expert to ensure that minority issues are given appropriate attention in the context of the post-2015 development agenda. She will continue to consult widely on this issue with all relevant stakeholders at the global and national level to achieve this objective.

31. There are compelling arguments for giving greater attention to disadvantaged minorities in post-2015 development agenda and future development goals. Foremost amongst these is that globally minorities remain among the poorest and most socially and economically excluded and marginalized communities. Tens of millions of people belonging to national, ethnic, religious and linguistic minorities worldwide are trapped in a cycle of discrimination, exclusion, poverty and underdevelopment from which they cannot break free without targeted attention being given to their situations. The relationship between inequality, discrimination and poverty and its impact on disadvantaged minority groups cannot be ignored or underestimated.

32. As highlighted by the former Independent Expert, poverty within minority communities is both a cause and a manifestation of the diminished rights, opportunities and social advancement available to the members of minority communities. Their poverty involves more than just a lack of income or a daily struggle for basic sustenance and is frequently based on structural inequality and long-standing discrimination and social exclusion which defy "one-size-fits-all" solutions. Poor minority communities are less able to participate effectively in political decision-making. They suffer from unequal access to education, health care, employment and land. Minorities are more likely to lack citizenship and be stateless, often resulting in their total exclusion from development and human rights initiatives.

33. In fact, as 2015 approaches, many persons belonging to minorities are at risk of backsliding in development and human rights terms. For example, the impact of the global financial crisis is most deeply felt by the poorest in society, including minorities, who may lack secure employment and face shrinking social welfare platforms. Recent or ongoing conflicts have had a devastating impact on minorities in numerous countries. Religious minorities are under threat in countries where conflict or political and social unrest has emerged, including the "Arab Spring" States, leading many to flee their homes or become refugees in neighbouring States.

34. An emerging message underlying the consultations around the post-2015 development agendas has been "leave no one behind". This message is a welcome one that indicates a growing global awareness that inequality greatly hampers development progress for those affected. The Independent Expert considers that a real risk exists that millions of disadvantaged minorities globally will be "left behind" if there is not a clear commitment at the global and national levels to address the development needs and human rights of

disadvantaged minorities. New development goals for the post-2015 period provide an important opportunity to refocus development agendas on inequality and put minority issues at the heart of these efforts.

35. In many national situations, the Millennium Development Goals (MDGs) have not been achieved for disadvantaged minorities. A full analysis of experiences is still needed in order for lessons to be fully learned from the MDG experience. In some countries, positive examples have emerged where practices have been implemented and targeted strategies have produced positive results for minorities. However, a survey by the former Independent Expert on minority issues, Gay McDougall, demonstrated that only a handful of countries devoted particular attention to minorities in their MDG reports, that, even where minorities are mentioned, there is a lack of discussion on how and, crucially, why minorities are experiencing disproportionately high levels of poverty and other serious inequalities, and that women belonging to minority groups remain particularly invisible (see A/HRC/4/9, para. 68).

36. Deficiencies in the MDG framework have been highlighted by minority rights and development experts.[7] A reliance on aggregate results and a continuing lack of disaggregated data collection resulted in very few measurements being made of the progress of minority groups towards the goals. Governments have tended to focus attention on populations that are easiest to reach and issues that were easiest and least costly to address. Minorities are often geographically and socially harder to reach and their issues include long-standing discrimination and social exclusion, which are more difficult to address. Strategies consequently often failed to target minorities and their particular challenges, even where the political will to address the issues of minorities existed.

37. Research suggests that minorities and indigenous peoples have progressed at a slower rate and even found gaps between them and other communities widening as others benefited from MDG interventions. An issues brief on promoting equality, including social equity, co-authored by UNICEF, UN-Women, the United Nations Development Programme (UNDP) and OHCHR, stated: "The MDGs, in focusing largely on national averages, without addressing inequalities explicitly, may have led to perverse outcomes whereby already-marginalized groups have tended to be 'left until last', thus exacerbating existing inequalities."[8]

38. OHCHR and mechanisms and mandates of the Council have consistently emphasized that human rights must be at the heart of development processes and that human rights-based approaches to development, based on the normative framework of human rights law, strengthen development strategies. This message is increasingly being taken up by other stakeholders, including Member States that acknowledge the relationship between human rights and development. It must not be forgotten that human rights include minority rights, as established in article 27 of the International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

---

[7] See, for example, Corinne Lennox, "Addressing health inequalities in the post-2015 development framework" in *State of the World's Minorities and Indigenous Peoples 2013* (London, 2013, Minority Rights Group International), pp. 10 ff.

[8] Available from http://sustainabledevelopment.un.org/content/documents/2406TST%20Issues%20Brief%20on%20Promoting%20Equality_FINAL.pdf.

39. In September 2013, Amnesty International called for human rights-based approaches and attention to minorities in the post-2015 development agenda. It stated that world leaders risk deepening inequalities, discrimination and injustice if human rights remain sidelined. "The poorest, most disadvantaged and marginalized groups are being let down" said its Secretary General, Salil Shetty: "There is a widening gap between rich and poor and between men and women and those from minority groups." The MDGs and the post-2015 agenda must directly address factors causing inequality and must address and dismantle the multiple and systemic barriers which marginalize the most vulnerable.[9]

40. Since 2012, a consultation process has been taking place internationally to put in place a new global development plan when the MDGs conclude in 2015. Important processes have been under way, including the High-level Panel of Eminent Persons on the Post-2015 Development Agenda, and the intergovernmental Open Working Group on Sustainable Development Goals, connected to the Rio+20 process. The General Assembly met in September 2013 to review progress, begin discussion of the recommendations and start work on a new framework to follow the MDGs. Emerging from this process is a strong call for attention to the most marginalized and disadvantaged groups.

41. The Rio+20 outcome document[10] highlights the fact that green economy policies in the context of sustainable development and poverty eradication should "enhance the welfare of indigenous peoples and their communities, other local and traditional communities, and ethnic minorities, recognizing and supporting their identity, culture and interests and avoid endangering their cultural heritage, practices and traditional knowledge" (para. 58). It also stresses the need to ensure equal access to education for ethnic minorities and for an enabling environment for women and girls from ethnic minorities (paras. 229 and 238). The High-Level Panel of Eminent Persons, in its report, states: "We should ensure that no person — regardless of ethnicity, gender, geography, disability, race or other status — is denied universal human rights and basic economic opportunities. We should design goals that focus on reaching excluded groups".[11]

42. The Secretary-General established the United Nations System Task Team on the Post-2015 United Nations Development Agenda in September 2011, which brings together experts from over 50 United Nations entities and international organizations to support the post-2015 consultation process. In its report, *Addressing inequalities: The heart of the post-2015 agenda and the future we want for all*, it states that: "the era of the MDGs may have inadvertently seen some channeling of resources away from the poorest population groups or from those that are already at a disadvantage because of the effects of discrimination based on their gender, ethnicity, disability or residence … Redressing such discrimination and inequalities will be essential, if global opportunities for progress are to be shared by those most in need of its benefits."[12]

---

[9] "UN Millennium Development Goals: Human rights must not be marginalized in post-2015 agenda", 23 September 2013.

[10] Available from www.uncsd2012.org/content/documents/727The%20Future%20We%20Want%2019.pdf.

[11] United Nations, *A New Global Partnership : Eradicate Poverty and Transform Economies through Sustainable Development – The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda* (New York, 2013), executive summary.

[12] Available from www.un.org/millenniumgoals/pdf/Think%20Pieces/10_inequalities.pdf.

43. The United Nations system has increased its attention to minority issues. In 2012, the Secretary-General established the United Nations network on racial discrimination and the protection of minorities in Policy Committee decision No. 2012/4 of 6 March 2012. It aims to enhance dialogue and cooperation across the United Nations system. In the guidance note of the Secretary-General on racial discrimination and protection of minorities based on the network's work, it is stated that: "efforts to improve sustainable human development and promote inclusion and stability are complemented and strengthened with better attention to the situation of minorities ... participation of persons belonging to minorities is essential in the process of developing the post-2015 development agenda, with a view to ensuring that the resulting agenda advances non-discrimination and other human rights concerns of minorities."[13]

44. United Nations Country teams supported 88 countries to convene national consultations on the post-2015 development agenda and hold forums to exchange ideas for a shared vision of "The World We Want", in an open process tailored to country contexts.[14] The national consultations made deliberate efforts to engage groups that generally do not participate in policy discussions. This global conversation responds to a growing call for active participation in the process and calls for the voices and issues of disadvantaged groups, including minorities, to be taken into account at every stage. Submissions to the Global Consultation on Addressing Inequalities were revealing and emphasized the extent to which globally ethnic and linguistic minorities face structural exclusion that limits integration into society.

45. The United Nations Development Group organized a set of eleven thematic consultations, on the themes of: conflict and fragility; education; environmental sustainability; governance; growth and employment; health; hunger, food and nutrition; inequalities; population dynamics; energy; and water. A report and preliminary findings were launched in March 2013. The following sections provide a brief discussion of minority issues in the context of each of these thematic areas.

IV. Minorities in the context of specific areas of development consultation

A. Inequalities

46. Tackling inequality stands out among the consultation areas as a cross-cutting and essential goal that should be at the heart of international and national development agendas. To make progress on this goal for disadvantaged minority groups and others means to create conditions of substantive equality for minorities, the challenges to which are a major barrier to development and human rights that minorities experience. A requirement for States to address inequality means that they must act clearly and directly to address the social exclusion, economic marginalization, poverty and discrimination facing minority communities.

---

[13] Available from www.ohchr.org/Documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf.

[14] See www.worldwewant2015.org/sitemap.

47. A global-level commitment to tackle inequality and address the situation of disadvantaged minorities and indigenous peoples by the international community, the United Nations, the donor community and international financial institutions is essential to encourage and ensure State-level action. If such a global message is missing or weakly stated, States that have historically neglected, denied or violated the rights and development of marginalized minority groups will have little incentive to do otherwise. Conversely, a strong requirement to address inequality, clearly articulated in a new set of post-2015 development imperatives, will serve to mobilize State action, empower civil society and minority communities, and have the potential to ensure real change on the ground for some of the most impoverished and marginalized minority groups.

48. While the increasing focus on "inequality" is welcome and vital, it is essential that this translates into far greater attention to minority issues in practice in every State. It is essential not only to address the challenges of "the poor", but to identify who are the poorest, where and why — to find the inequality where it is gravest. A deeper understanding of the inequalities which lie behind poverty, social exclusion and economic marginalization is necessary if nationally and internationally we are to overcome the barriers to development experienced by disadvantaged minorities.

49. Discussions on the post-2015 agenda must take into account evidence that indicates that a rapidly increasing proportion of the world's poor are minority groups. In many situations globally, in both developing and developed countries, poverty takes on ethnic, religious and linguistic dimensions. An honest assessment of why minority groups face more severe challenges reveals that discrimination and exclusion form a launching pad for a host of obstacles for minorities. At the national level, long-term success in poverty reduction and in reaching development targets for minorities requires an investment in tackling the root causes of inequality, as well as its symptoms.

50. In core documents emerging from the consultations on the post-2015 agenda, there is little, if any, recognition that minorities experience multiple and intersectional challenges that create vulnerability across a range of areas under consideration. For example, a focus on rural/urban disparities fails to acknowledge that minorities are frequently rural and remote communities with poor access to services and basic needs. Consideration of household wealth disparities rarely makes the link between low income and belonging to a minority. It is often women from disadvantaged minorities who are most affected by poor access to education and decent employment and who suffer multiple discrimination as they are women, members of a minority and poor. When the maps of poverty, access to basic services, gender discrimination, poor housing and population groups are overlaid, minorities stand out as being the most in need. The nexus between minorities, poverty and inequality cannot be ignored.

51. Minority groups have experienced increased levels of racism and xenophobia since the financial crisis began. The 2012 Annual Report of the European Commission against Racism and Intolerance noted that: "The ongoing economic crisis has created a vicious cycle in which many of the groups of concern to ECRI (vulnerable groups) are trapped. Diminished economic opportunities and welfare cuts puts them into poverty, which breeds negative feelings on both sides of the social divide".[15]

[15] Annual Report on ECRI's Activities covering the period from 1 January to 31 December 2012, CRI(2013)42, para. 2. Available from www.coe.int/t/dghl/monitoring/ecri/Library/PressReleases/146-2013_10_25_AnnualReport2012_en.asp.

52. Calls for inequality to be addressed more clearly are coming from a wide group of experts. On 21 May 2013 a group of 18 United Nations human rights mandate holders called for the post-2015 development agenda to be urgently refocused on equality, social protection and accountability.[16] The statement highlighted that:

> The rise of inequality has severely undermined the achievements of the Millennium Development Goals … Future goals must be sensitive to who benefits and at whose expense, and must go beyond blunt, aggregate targets that allow us to pick the "low-hanging fruit" and ignore the most vulnerable groups, while leaving systemic injustices untouched … Making equality a cross-cutting priority would mean every new goal will confront head on the systemic injustices that drive inequalities, from institutional discrimination against minority groups to uneven investments in social services in different regions of a country.

The importance of disaggregated data

53. A major barrier in assessing and tackling disparities is the lack of data disaggregated by ethnicity, religion or language. Data is vitally important for effective poverty reduction and yet, within aid modalities on poverty, the collection of ethno-cultural disaggregated data is not uniformly supported. In 2005, UNDP published *MDG Monitoring and Reporting: A Review of Good Practices*, wherein it recommends that, "Whenever possible, disaggregated data should be used to highlight disparities across gender, ethnicity, geographical location, age or other dimensions of inequality".[17] In a few countries where disaggregated data exist, these reflect clearly the inequalities between majority and minority groups. Equally, they provide essential baseline data upon which to base targeted interventions and monitor progress. Each of the countries mentioned below has, to some extent, recognized the challenges facing minorities revealed by such data and established programmes targeted towards them.

54. In the United Kingdom of Great Britain and Northern Ireland, disaggregated data reveal patterns of ethnic poverty. Around two fifths of people from ethnic minorities live in income poverty, twice the rate for whites. The highest income poverty rates (in percentages) are found among Bangladeshis (65), Pakistanis (55) and black Africans (45). At 25–30 per cent, the rate among Indians and black Caribbeans is lower but still much higher than the 20 per cent among white people.[18] In Brazil, census data show that on average, white and Asian Brazilians earned twice as much as black or mixed-race Brazilians. Black Brazilians are much more likely to be poor. Of the 16.2 million people living in extreme poverty (approximately 8.5 per cent of the population), 70.8 per cent are black. The average wages for black and mixed-race Brazilians are 2.4 times lower than those earned by citizens of white and Asian origin.[19]

---

[16] Press release, "Equality or bust for post-2015 global development goals – UN rights experts", Geneva, 21 May 2013. Available from www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=13342&LangID=E.

[17] Poverty Reduction Group, UNDP Bureau for Development Policy, 2005, p. 18.

[18] Peter Kenway and Guy Palmer, New Policy Institute, *Poverty among ethnic groups: how and why does it differ?* (Joseph Rowntree Foundation, York, 2007), p. 11. Available from www.poverty.org.uk/reports/ethnicity.pdf.

[19] See http://globalvoicesonline.org/2011/11/29/brazil-census-black-mixed-population/

55. Analysis by the Pew Research Center of census data in the United States[20] shows the wealth gap between whites and minorities continued to grow since 1984 when the census began tracking such data. White households have on average 20 times the median wealth of blacks and 18 times that of Hispanics. The recession from late 2007 to mid-2009 took a far greater toll on the wealth of minorities than whites. From 2005 to 2009, inflation-adjusted median wealth fell by 66 per cent among Hispanic households and 53 per cent among black households, compared with just 16 per cent among white households. As a result the typical black household had just $5,677 in wealth (assets minus debts) in 2009; the typical Hispanic household had $6,325 in wealth; and the typical white household had $113,149.

56. The World Bank has highlighted the "remarkable progress" of Viet Nam on poverty reduction. However, ethnic minorities — 15 per cent of the population — have not enjoyed such progress. In 1993, minorities comprised 20 per cent of all poor households. By 1998, this had risen to 29 per cent, and by 2010 to 47 per cent, and 68 per cent of the extreme poor. The gap in living standards is also large: 66.3 per cent of ethnic minorities were still poor in 2010 compared to only 12.9 per cent of the majority Kinh, and 37.4 per cent of ethnic minorities are still extremely poor, compared to just 2.9 per cent of Kinh.[21] The World Bank describes six "pillars of disadvantage" that combine in a "vicious cycle" to influence ethnic minority livelihood outcomes and lead directly and indirectly to persistent poverty: lower levels of education; less mobility; less access to financial services; less productive, lower-quality land; limited market access; stereotyping and cultural barriers.[22]

57. One criticism that must be addressed is that a focus on any population group or minority may be perceived of as unfair affirmative action or special measures that result in a neglect of other population groups who may also have very real issues and development challenges. However, this need not be the case. An approach which addresses the long-standing issues of disadvantaged minorities as a core priority does not assume or require neglect of other groups or essential areas of concern. It requires that such targeted attention is justified, monitored and time-bound to ensure that it does not become discriminatory. Disaggregated data is also essential in this regard and allows inequalities to be statistically demonstrated, and progress towards targets to be monitored and evaluated.

58. Addressing inequality is an overarching goal that, if it is achieved, will inevitably bring with it benefits for disadvantaged minority groups across a wide range of other areas that the post-2015 development agenda consultations are addressing. The rationale behind such an inequalities-based approach is strong, however it must be driven at a global and donor level to overcome barriers of discrimination, power-dynamics, and lack of political will that are often evident at the national level. In the Synthesis Report of the Global Thematic Public Consultation on the Post-2015 Development Agenda focusing on inequalities,[23] it is stated that "there is considerable evidence that inequalities in one structural domain increase the likelihood of inequalities in others. In the event of opportunity for improvements in one domain, the chances of progress are often undermined

---

[20] Rakesh Kochhar, Richard Fry and Paul Taylor, "Wealth Gaps Rise to Record Highs Between Whites, Blacks, Hispanics: Executive Summary", 26 July 2011. Available from www.pewsocialtrends.org/2011/07/26/wealth-gaps-rise-to-record-highs-between-whites-blacks-hispanics.

[21] World Bank, *Well Begun, Not Yet Done: Vietnam's Remarkable Progress on Poverty Reduction and the Emerging Challenges* (Hanoi, 2012), p. 5. Available from http://documents.worldbank.org.

[22] Ibid., p. 122.

[23] Available from www.worldwewant2015.org/file/299198/download/324584.

or rendered inaccessible by simultaneous intersecting disadvantage in another. These intersecting and mutually reinforcing inequalities are often rooted in historical relationships, and continue to be reproduced through discrimination in social, economic, environmental and political domains."

B. Education

59. Education is a basic human right for all children, and yet in all regions there are minority children who do not enjoy that right or enjoy it to a much lesser extent than others. Often countries face serious problems in providing basic education for many children owing to factors including scarcity of resources, poverty and conflict. However the challenges and barriers to minority children are frequently based on and perpetuated by discrimination and social exclusion. Lack of access to education perpetuates a cycle of poverty that is often experienced most acutely by minority communities. Yet conversely, education provides a gateway to development and the full enjoyment of a wide array of human rights for minorities.

60. In 2009, of the world's 101 million children out of school, an estimated 50–70 per cent were from minorities or indigenous peoples.[24] In Central Africa, the great majority of Batwa and Baka have not had access even to primary education. Only 13 per cent of children in sub-Saharan Africa have access to primary education in their mother tongue.[25] In South Asia, Dalit girls are prevented from pursuing their education not only because of poverty, but through discrimination and sexual violence. Literacy levels are commonly much lower among Dalit girls. For example, in the Mushahar Dalit community in India, barely 9 per cent of women are literate.[26] In Latin America, millions of indigenous and African descendant children work in fields, plantations or mines instead of being in school.

61. As a result of factors including segregation, stigmatization, and high dropout rates among Roma, their attendance beyond primary school is dramatically lower than the average. In South-East Europe only 18 per cent of Roma attend secondary school, compared with 75 per cent of the population, and less than 1 per cent of Roma attend university.[27] In many countries globally, education is only in the national or majority language leaving linguistic minorities disadvantaged. In Viet Nam and other South-East Asian countries, education is commonly only in the language of the majority putting minorities at a disadvantage in education.

---

[24] Minority Rights, "Millions of European children still denied an education – new global report", 16 July 2009. Available from www.minorityrights.org/7967/press-releases/millions-of-european-children-still-denied-an-education-new-global-report.html.

[25] UNDP, *Human Development Report 2004* (New York): p. 34, figure 2.4.

[26] International Dalit Solidarity Network, recommendations on Dalits' access to education, submitted to the Forum on Minority Issues, 2008, para. 83. Available from http://idsn.org/fileadmin/user_folder/pdf/New_files/UN/IDSN_Forum_on_Minorities.pdf.

[27] Expert paper prepared by UNICEF on Ending discrimination against Roma children, in Council of Europe report "Ending discrimination against Roma children" (http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19545&Language=EN).

C. Health

62. According to Paul Hunt, former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2002–2008):

> We live in a world of profound health inequalities, a world in which a person's health and the quality of care they receive is determined by their ethnicity, the language they speak or their religious and cultural beliefs. In almost every country in the world, minorities and indigenous peoples are among the poorest and most vulnerable groups, suffer greater ill-health and receive poorer quality of care than other segments of the population. They die younger, suffer from higher rates of disease and struggle more to access health services compared to the rest of the population. More often than not, this ill-health and poor healthcare is a symptom of poverty and discrimination.[28]

63. Minorities frequently live in remote or inaccessible localities and often Government health-care facilities and provision do not reach there. In many countries, the health-care infrastructure, including hospitals or clinics, is simply not available in minority areas. In some cases, health-care provision comes at a cost relating to treatment and drugs that poor communities — often minority communities — cannot afford. The infrastructure to ensure safe drinking water and hygiene facilities may also not reach areas where minorities live. In some cases the provision of health care is also limited due to discrimination. New attention to minorities and strategies to address their health situations are urgently required. A greater understanding of their health needs is essential and requires research and data collection.

64. In Nepal, according to UNDP, life expectancy of a Hill Dalit was 61 in 2009 compared to 68 for a higher caste Hill Brahmin. A 2011 Open Society Foundation study reported that Roma are disproportionately unvaccinated, have poorer than average nutrition and experience higher rates of infant mortality and tuberculosis. There is evidence that life expectancy among Roma communities is 10 to 15 years lower than in non-Roma communities.[29] In Cameroon, visited by the Independent Expert in 2013, the access to health and health situation of Pygmy communities is extremely poor relative to other population groups. In Pakistan, UNICEF reports that the maternal mortality ratio for Baluchistan — largely inhabited by the Baluchi minority — is 758 per 100,000 live births, almost three times the national average of 276 per 100,000 and far from the MDG target of 140 per 100,000.[30]

D. Growth and employment

65. Economic exclusion is a cause, a manifestation and a consequence of discrimination against minorities. As was strongly emphasized at the World Conference against Racism in Durban in 2001, poverty can contribute to the persistence of racist attitudes and practices, which in turn generate more poverty, a situation coined as the "vicious cycle of poverty".

---

[28] Minority Rights, *State of the World's Minorities*, p. 7.

[29] See http://web.ua.es/en/actualidad-universitaria/2013/septiembre2013/septiembre2013-23-30/life-expectancy-in-roma-communities-is-10-15-years-less-than-that-of-those-in-non-roma-communities.htm

[30] Fatima Raja, *Pakistan: Annual Report 2011* (UNICEF Pakistan, 2012). Available from www.unicef.org/pakistan/Annual_Report_2011.pdf.

Many minorities have historically been excluded from full and effective participation in economic life, both in the developed and developing world. Minorities face discrimination when they seek employment due to their colour, religion, language or names. Minorities are poorly represented even in public-sector employment, including where legislation bans discrimination in public and private sectors. They may face barriers in accessing credit or loans and may live in the poorest or remote regions that offer limited prospects for their economic development. Large-scale economic development projects or commercial activities carried out on the lands where minorities live frequently have negative impacts, including displacement, perpetuation of poverty and, in some cases, violence.

66. Several factors exacerbate the exclusion of minorities, including deteriorating economic conditions, ethnic tensions and rising discrimination. Unequal regional distribution of resources and services and a lack of basic infrastructure in regions where minorities live often have the effect of preventing them from fully exercising their economic and social rights. The past decade has brought new and unanticipated challenges, including the global food and economic crises that have been proven to have a greater impact on particular vulnerable groups and minorities. Failing to fully include and integrate minorities also means that States are missing out on economic developments and benefits that such inclusion brings. World Bank studies have shown how the inclusion of currently marginalized and excluded minorities in economic life would lead to increased GDP.[31]

E. Hunger, food security and nutrition

67. Directly linked to health concerns, minorities are frequently in a vulnerable situation in regard to hunger, food security and nutrition. High levels of poverty and extreme poverty, lack of access to employment or secure forms of income, land or land tenure all impact on their food security. In India, for example, child malnutrition is some 14–20 per cent higher for Scheduled Castes and Scheduled Tribes and has been declining at a slower rate than for the rest of the populations over the period of the MDGs.[32] In country visits by the mandate holders to Rwanda (2011) and Cameroon (2013), food security and nutrition was a major concern of Batwa and Pygmy communities, many of whom are displaced from traditional forest habitats and can no longer maintain their hunter/gather lifestyles and access forest-based food sources.

F. Conflict and fragility

68. Globally, minorities often suffer disproportionately from the impact of conflict. Many examples demonstrate clearly the impact of conflict upon minorities and their development and rights, which in some cases has been devastating and has set progress towards development goals back by years for certain groups.

69. The huge impact of conflict and instability on minorities in Iraq has been documented, including for Muslim minorities, Baha'is, Christians, Armenians, Chaldo-Assyrians, Faili Kurds, Palestinians, Jews, Sabian Mandaeans, Yazidis and others. Minority

---

[31] See, for example, "Economic costs of Roma exclusion". Available from http://siteresources.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion.pdf.

[32] Thorat, S. and Sabharwal, N.S., Addressing the unequal burden of malnutrition', *India Health Beat*, vol. 5, No. 5 (June 2011), p. 1. (Cited from Lennox, *Addressing health inequalities*.)

Rights Group states that: "Minorities in Iraq have continued to be targeted on the grounds of their religion or ethnicity since the US-led invasion and fall of Saddam Hussein in 2003. They have suffered from killings, kidnappings, torture, harassment, forced conversions and the destruction of homes and property."[33] Persecution, human rights violations and targeted attacks have led to vast numbers of internally displaced persons and a mass exodus of minority communities to neighbouring countries, where they continue to experience severe challenges and poverty. Equally, in Egypt and the Syrian Arab Republic, the full extent of unrest and conflict on minorities is becoming evident and has far-reaching implications for their rights and security.

70. In Rakhine State in Myanmar, conflict between the Rakhine Buddhists and Muslim Rohingya communities erupted in 2012 and resulted in the killing of hundreds, the destruction of homes and property and the internal displacement of over 130,000 people, mostly minority Muslims. Tens of thousands of displaced people, and many thousands of others in villages affected by the conflict and insecurity, now have no access to livelihood activities or income, are dependent on humanitarian assistance for food, shelter, health care, education and water and sanitation. The conflict has had a catastrophic impact on their rights, access to essential services and development, forcing many into a condition of extreme poverty and insecurity. The Government of Myanmar does not recognize the Rohingya as citizens with implications for their enjoyment of all their human rights.

G. Environmental sustainability

71. According to the report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda: "Deepening resilience among vulnerable populations and reducing risks of disasters and other shocks must be central to limiting the social and economic costs of disasters, in terms of death, hunger, malnutrition, displacement and forced migration."[34] Equally, Claus H. Sorensen, Director-General of the European Commission Directorate General for Humanitarian Aid and Civil Protection stated:

> Those who are most vulnerable and marginalised need primary attention when a disaster strikes, both because the impact of the disaster is likely to be higher on them than others, and because of the likelihood that they find themselves excluded from response and recovery efforts. By systematically addressing in each action the inclusion of those who are marginalised (in particular, persons affected by caste discrimination, minorities, as well as persons with disabilities, women, and the elderly), lives have been saved, the suffering of those in need has been alleviated, and their dignity protected.[35]

72. In South Asia, experiences from the 2001 Gujarat earthquake, the 2004 Asian Tsunami and flooding in Nepal in 2008, the Indian States of Bihar, Andhra Pradesh, Karnataka and Assam during 2007–2009, and Pakistan in 2010, demonstrated that Dalits are frequently the worst affected and also often "systematically excluded from relief and

---

[33] See Chris Chapman and Preti Taneja, *Uncertain Refuge, Dangerous Return: Iraq's Uprooted Minorities* (Minority Rights, 2009), p. 9. Available from www.minorityrights.org/download.php?id=690.

[34] *Realizing the Future We Want for All: Report to the Secretary-General*. Available from www.un.org/en/development/desa/policy/untaskteam_undf/report.shtml.

[35] International Dalit Solidarity Network, *Equality in aid: Addressing Caste Discrimination in Humanitarian Response* (2013), p. 2.

recovery efforts".[36] The impact of Hurricane Katrina and its aftermath on African-American communities was well documented as were deficiencies in the relief and reconstruction efforts. Minorities may be more vulnerable to natural disaster due to the location of their homes in marginal locations, vulnerable occupations, and poor-quality housing. The environmental impact of development mega-projects often has a disproportionate impact on minorities, as demonstrated by the impact of aggro-business projects on Afro-Colombian minorities and their lands and indigenous minorities in the Gambella region of Ethiopa displaced from their lands, as well as the impact on Pygmy communities of the Chad-Cameroon oil pipeline in Cameroon — a few of many examples.

H. Governance

73. The Independent Expert provided a submission to the Global Consultation on Governance and the Post-2015 Framework held in South Africa in February 2013[37] in which she highlighted that minorities globally are poorly represented in all levels of government, decision-making bodies and public-sector employment. At the national level, political and administrative frameworks and public-sector structures with responsibilities for development are often staffed by and geared towards majority communities. Good and inclusive governance is essential to ensuring the rights of minorities. Inclusive governance, representative of minorities, ensures that their issues are not neglected and that policies and programmes are developed with their interests in mind. When minorities are excluded from decision-making and public bodies responsible for implementation of development initiatives, it is inevitable that strategies will neglect minorities or lack the specialist information about their situations and needs to ensure that projects are successful and sustainable.

74. The Independent Expert highlighted in her 2012 report to the General Assembly, the fact that efforts to ensure minority rights and equality frequently require States to implement positive measures and approaches, as required by the Declaration. Positive change for disadvantaged minorities can be facilitated by appropriate institutional attention given to minority rights and a policy and programme framework within which to address minority issues. Institutional attention for minority rights is the logical next step from legislation to concrete action for the protection and promotion of minority rights. A key recommendation is that States consider institutional attention for minority rights both as a good governance obligation, and as an essential component of their human rights, equality and non-discrimination commitments.

I. Energy

75. Access to affordable energy is essential for development and yet minority communities are frequently disproportionately affected by "energy poverty" that impacts on all areas of their lives and restricts their opportunities and development. Minority communities often live in remote or poor rural areas that are poorly served by energy infrastructure. Indeed minorities may also be negatively affected by energy-generating projects which take place in the areas in which they live, but from which they do not fully

[36] Ibid. p. 3.

[37] Available from www.worldwewant2015.org/file/328125/download/356499

benefit. A lack of affordable energy impacts on communities in a host of ways: restricting their ability to reform and increase agricultural production; impacting on the ability to undertake entrepreneurial activities; and creating difficulties in providing electricity to enable children to study and clean, healthy options for cooking. The objective of achieving affordable, sustainable energy for all is therefore particularly relevant for minority communities.

76. A 2012 regional Roma survey, revealed that between 70 and 90 per cent of Roma surveyed reported living in conditions of severe material deprivation. Roma settlements frequently lack energy provision, sometimes because they are classified as illegal settlements and do not fall within energy and infrastructure plans. Communities in Bulgaria, visited by the mandate holder in 2011, described paying more for energy from private providers and being unable to afford energy bills owing to lack of employment and low incomes. Key questions must be asked at the national level, which include: who are those most affected by lack of access to affordable energy?

J. Water

77. The Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, focused her 2012 report to the Council (A/HRC/21/42) on stigmatization in the realization of the rights to water and sanitation. The report examines different manifestations of stigma in the context of the human rights to water and sanitation and explores recommendations for policymaking and solutions to prevent and respond to human rights violations resulting from stigma. The Special Rapporteur found that stigma pushes people to the margins of society and results in the rejection, avoidance and marginalization of certain groups. Access to water and sanitation for many Roma communities is notoriously precarious. Similarly, the report highlights that Dalit habitations are often systematically excluded from service provision.

78. On 30 October 2013, the Friends of Water, UNICEF, the Special Rapporteur and OHCHR issued a press statement calling for the post-2015 development agenda to be framed around the principles of equality and non-discrimination in the context of water and sanitation.[38] The statement called for future goals, targets and indicators to be framed to include an explicit focus on the most marginalized and disadvantaged groups and individuals, including through the use of disaggregated data. "Success" must be assessed in relation to the progress made in closing gaps or inequalities in access to sanitation, water and hygiene. New priorities should focus on the millions of marginalized peoples who have remained hidden within aggregate statistics, and who continue to have no access to basic services.

K. Population dynamics

79. Population dynamics include trends and changes in population growth, migration, urbanization, population density and age structures, and are a core element of the consultations. However, consideration of this area of development rarely addresses inequalities and the dimensions of population associated with majority/minority relations. Trends towards urbanization, for example, are frequently least pronounced for minority

[38] Available from www.ohchr.org/Documents/Issues/Water/JointStatement_NewYork30Oct2013.pdf.

populations resulting in growing rural/urban and majority/minority divides. Birth rates may decrease in increasingly affluent population groups but remain high amongst the poorest, often minority, communities, serving to perpetuate their poverty. In many countries, there are clear geographical boundaries between population groups and equally clear socioeconomic divides between population groups — commonly, minorities fall on the wrong side of such divides.

80. Population dynamics may be deeply affected by discrimination and social exclusion exercised by one population group against another. The dynamics between and across different population groups should therefore also be given greater attention. For example, conflict between communities and enforced population movement due to conflict results in internal displacement that may affect minorities disproportionately and have a greater and longer-term impact on their rights, their access to livelihood, income and basic services. Globally, millions of people are affected by displacement and they are often minorities who are numerically fewer, politically and militarily non-dominant and the most vulnerable to social and political unrest and the impact of conflict. A fundamental message of the Independent Expert is that protection of minority rights and the creation of a culture of minority rights within wider society promotes conditions of stability under which human rights and development crises and setbacks, and huge population impacts, are less likely to occur.

V. Conclusion and recommendations

81. **Equality for minorities is a human right and must be recognized as a core development goal. There are compelling arguments for greater attention being given to disadvantaged minorities in post-2015 development agendas and future development goals. Foremost amongst these is that globally, disadvantaged minorities remain among the poorest and most socially and economically excluded communities. The Independent Expert considers that a real risk exists that many millions of persons belonging to minorities globally will continue to be "left behind" if there is not a clear commitment at the global and national levels to address their plight as a high global development priority.**

82. **Minorities should be among the first targets of development strategies, yet frequently they are among the last. Lack of attention to the situations of minorities constitutes one of the most serious deficiencies in the MDG process and an important impediment to achieving certain goals in some States. Without significant and continuing efforts to raise attention to the need for solutions that work effectively for disadvantaged minorities, post-2015 strategies may continue to follow the same patterns, priorities and models that have proved to be flawed in their ability to address the development needs of disadvantaged minorities.**

83. **The relationship between inequality, discrimination and poverty cannot be ignored or underestimated. Tens of millions of people worldwide are trapped in a cycle of discrimination, exclusion, poverty and underdevelopment from which they cannot break out without targeted attention given to their situations. It is imperative that the United Nations and others, as they move forward to craft a new set of development objectives and targets, addresses the inequalities faced by national or ethnic, religious and linguistic minorities.**

84. **Despite the valuable new attention to inequalities, even within the numerous consultation reports emerging from the process, there is a tendency to place minorities at the end of a long list of disadvantaged groups or ignore them completely. The message that emerges from these high-level documents is that they are a relatively low**

priority in comparison to other inequality issues including gender equality, disability, children and age.

85. The post-2015 framework of new goals should be based on human rights, including minority rights as established in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the principles of equality, non-discrimination and participation. A focus on disadvantaged minorities and specific minority groups, including Roma, people of African Descent, Dalits, and disadvantaged religious and linguistic minorities worldwide would potentially bring much needed development attention to millions of the most excluded and impoverished peoples globally.

86. The need for disaggregated data to reveal the inequalities experienced by persons belonging to minority groups remains essential and national efforts to collect and analyse such data should be enhanced and assisted by the international community. Disaggregated data are needed across all goals and in relation to such crucial areas as education, employment, health, and household income. Such data not only allows inequalities to be identified, they assist in the design of appropriate targeted solutions and in the monitoring and evaluation of progress towards achieving goals for minorities.

87. Nevertheless, in the majority of countries where disaggregated data are lacking, Governments, national institutions and development actors, as well as United Nations specialized agencies, are generally well aware of which communities are the most excluded, marginalized and impoverished — frequently disadvantaged minority communities. Consequently, lack of statistical evidence and data must not be used to justify lack of attention to the needs of disadvantaged minority groups.

88. Within the framework of a strong equality-focused goal or goals, it will be crucial to establish specific targets for States on the inclusion of minorities and specific indicators upon which to measure progress. The participation of minorities needs to be ensured and increased in all phases.

89. Targeted affirmative action policies for addressing the economic and social exclusion of minorities, including specific social and economic development plans for marginalized groups and the regions in which they live are required. Where appropriate, dedicated institutional attention should be given to minorities in the States where they live, including through designated ministries, departments or units, focal points, ombudspersons, commissions etc in order for national action plans to be implemented with the necessary attention given to minorities.

90. The international donor community should clearly recognize the need to give attention to disadvantaged minorities and ensure that, at the global level, this is reflected in the process of developing a new set of development goals and in the goals themselves. At the national level, donors should ensure that sufficient resources are provided to States to support their activities and are directed towards projects and programmes meeting the needs of the most disadvantaged minority communities.

91. The Independent Expert urges States to establish independent monitoring bodies with civil society and public participation, including of minorities, to ensure that the next round of commitments made at the global level are fulfilled for minorities.

United Nations A/HRC/25/56/Add.1

General Assembly

Distr.: General
31 January 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Independent Expert on minority issues, Rita Izsák

Addendum

Mission to Cameroon (2 – 11 September 2013)*

In Cameroon, there are more than 250 ethnic groups speaking many different languages and representing different faith groups. Cameroon is rightly proud of its record of stability and peaceful coexistence of such diverse communities. Its numerous development and social policies, general respect for minority rights and emphasis on national unity in diversity are important factors in that stability. In many respects, Cameroon is a positive example of how a highly diverse society in the region can be managed. While many challenges remain, the Government is open to discuss them and to involve minorities in shaping effective solutions. As an important measure to achieve such solutions, the Independent Expert urges the Government to fully record and gather regular disaggregated social and economic data, including in the census, which will clearly map the country's diversity and help to reveal challenges facing certain population groups.

The problems faced by the Pygmy and Mbororo pastoralist communities, who identify as indigenous minorities and who are among the poorest in Cameroon, were frequently raised, and require dedicated attention if their situation is to be improved. The Government has initiated a number of programmes targeting such groups. Solutions must take into account and respect their unique cultures, traditions and lifestyles if they are to be appropriate and sustainable. Issues relating to land access and ownership are of primary importance to these communities and require dialogue and a review of current legislation to

* The summary of the present report is circulated in all official languages. The report itself, annexed to the summary, is circulated in French and in the language of submission only.

GE.14-10691

1410691

Please recycle

secure their essential land rights.

The Mbororo frequently face conflicts over access to and ownership of land. Although the Government encourages sedentary lifestyles, some Mbororo wish to continue their traditional nomadic way of life. The Government should accommodate such wishes where possible and seek solutions to land disputes and problems of delivery of education and health care, for example, in consultation with communities. Corruption and manipulation of land laws must not be allowed to continue with impunity. Pygmy communities face severe challenges relating to their removal from forests and the loss of their hunter-gatherer lifestyle. They are poorly equipped to manage away from ancestral forest habitats and commonly face poverty and exploitation.

The decline in use of some of the country's many mother-tongue languages is cause for concern, and initiatives to record and maintain these languages alongside French and English are welcome. The North-West and the South-West are anglophone regions. While a national bilingual language policy is a positive practice, anglophone representatives expressed frustration at alleged discrimination in such areas as access to employment and political posts. While freedom of religion and harmonious coexistence of religious groups are generally evident, Pentecostal church leaders complained about the closure of some churches and about discriminatory registration processes. The Independent Expert called for clearer criteria and time frames to be established and respected, adding that legitimate Churches should not be punished for the illegal actions of some individuals or groups.

Annex

[English and French only]

Report of the Independent Expert on minority issues on her mission to Cameroon (2 – 11 September 2013)

Contents

		Paragraphs	*Page*
I.	Introduction	1–5	4
II.	Methodology	6–8	5
III.	Minority rights: legal and institutional framework	9–13	5
IV.	General and cross-cutting minority rights concerns	14–34	6
	A. Land rights	15–17	7
	B. Disaggregated data	18–20	7
	C Birth registration and national identity cards	21–24	8
	D. Access to education and health care	25–28	9
	E. Participation of minorities in political and public life	29–31	10
	F. Customary law and leadership structures	32–34	10
V.	Situation of Pygmy communities	35–42	11
VI.	Situation of Mbororo pastoralists	43–56	13
VII.	Situation of Montagnard communities	57–62	15
VIII.	Religious minority issues	63–67	16
IX.	Linguistic minority issues	68–74	17
X.	Conclusions and recommendations	75–98	19

I. Introduction

1. The Independent Expert conducted an official visit to Cameroon from 2 to 11 September 2013. She thanks the Government for its invitation and for its cooperation in the preparation and conduct of her visit. She thanks the senior governmental representatives, including the Ministers for External Relations, for Land Tenure, for Social Affairs, for Basic Education, for Arts and Culture, for Justice and for Territorial Administration and Decentralization, whom she met for their time and the information provided. She also thanks the numerous non-governmental organizations and others working in the field of minority issues who provided valuable information and assistance.

2. Cameroon has a great diversity of ethnic, religious and linguistic groups throughout the country. More than 250 ethnic groups and additional subgroups exist, with almost as many different languages spoken. According to the population and housing census conducted in November 2005, the total population was 17,463,836; official projections published in 2010, however, projected that the population would increase to 19,406,100 as at 1 January 2010.

3. In its report submitted to the Committee on the Elimination of Racial Discrimination in 1997,[1] Cameroon stated that the population comprised ethnic groups defined on the basis of dialect, in five major groups: the Bantu, in the South, Littoral, South-West, Centre and South-East provinces (now regions), comprising the Beti, Bassa, Douala, Yambassa, Maka, Kaka, Bakweri, Bali and others; the semi-Bantu, in the West and North-West, including the Bamileke, Bamoun, Tikar and Bali; the Sudanese, in the Adamawa, North and Far North, including the Mundang, Toupouri, Kotoko, Kapsiki, Mandara, Haoussa, Matakam, Bornouam and Massa; the Peulh, inhabiting the same regions as the Sudanese; and the Choa Arab people in the Lake Chad basin. Several ethnic and linguistic groups spread across neighbouring countries and therefore bring a regional dimension to the country's diversity.

4. Forest hunter-gatherer peoples (commonly referred to as Pygmies) include the Baka and Bakola in the East and the South and Bagyeli and Bedzam on the Tikar plain. Estimates suggest that Pygmies constitute about 0.4 per cent of the population. Montagnards, also referred to as "Highlanders" or "Kirdi" ("pagan" in Fulfulde), are made up of various ethnic groups; their exact numbers are unknown. They commonly practice forms of animism and ancestor worship, and have historically been socially, educationally and economically disadvantaged when compared with the more dominant Muslim Fulani population in the three northern provinces.[2]

5. Although the Constitution uses both the terms "indigenous" and "minorities", it is unclear to whom they are applied. In the above-mentioned report, the Pygmy population was referred to as "authentic indigenous inhabitants". A number of other groups, however, self-identify as indigenous or indigenous minorities, including the Mbororo pastoralists. According to the International Work Group for Indigenous Affairs, the questions over indigenous status prompted the Ministry of External Relations to conduct a study in 2009 to identify and characterize indigenous peoples and their problems. The study, completed in 2011, proposed that the groups to be considered indigenous include the Mbororo pastoralists and the hunter-gatherers (Pygmies).[3] Cameroon officially celebrates the annual

[1] CERD/C/298/Add.3.

[2] See www.cidcm.umd.edu/mar/assessment.asp?groupId=47101.

[3] See www.iwgia.org/regions/africa/cameroon/855-update-2011-cameroon.

International Day of the World's Indigenous Peoples and the Government involved communities in celebratory events.

II. Methodology

6. The Independent Expert's evaluation is based on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other relevant international standards, from which she has identified four broad areas of global concern:

(a) The protection of a minority's survival by combating violence against them and preventing genocide;

(b) The protection and promotion of the cultural identity of minority groups, and their right to enjoy their collective identity and to reject forced assimilation;

(c) The guarantee of the rights to non-discrimination and to equality, including ending structural or systemic discrimination and the promotion of affirmative action, when required;

(d) The right to the effective participation of minorities in public life and in decisions that affect them.

7. The Independent Expert visited Yaoundé and different regions where minority communities live, including Kribi in the South, Bamenda in the North-West and Maroua in the Far North. She undertook visits to local communities to hear their issues and concerns. The Independent Expert focused her work on national, ethnic, religious and linguistic groups whose generally non-dominant, disadvantaged situations require measures to allow them to exercise all their rights, including minority rights, to the fullest.

8. The Independent Expert acknowledges that some communities with whom she consulted also self-identify as indigenous peoples or indigenous minorities. She notes that their engagement with her mandate on minority issues and her analysis of the situations of such groups in no way undermines or is incompatible with their claims to indigenous status and to enjoy the rights contained in the United Nations Declaration on the Rights of Indigenous Peoples and other international standards for indigenous peoples, including rights to ancestral lands.

III. Minority rights: legal and institutional framework

9. The Constitution states in its preamble that "the State shall ensure the protection of minorities and preserve the rights of indigenous populations in accordance with the law." Article 7 prohibits discrimination, stating that "all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination." Cameroon has no laws that explicitly forbid discrimination based on race, religion, language or social status; to date, the prohibition of racial discrimination has therefore not been fully incorporated into State legislation, including the Criminal Code and the Code of Criminal Procedure.

10. Cameroon is a party to international treaties relevant to minority rights, including the Convention on the Elimination of Racial Discrimination, the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights, as well as the African Charter on Human and Peoples' Rights. Under the Constitution, international law has primacy over national laws. Cameroon was one of the few African countries to vote in

favour of the United Nations Declaration on the Rights of Indigenous Peoples in 2007 and to adopt the notion of "indigenous peoples" in its Constitution. To date, Cameroon has not ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO). The Committee on the Elimination of Racial Discrimination recommended that Cameroon adopt a bill on the rights of indigenous people, ensuring their participation in the drafting process.[4]

11. The Ministry of Social Affairs has responsibility for combating social exclusion and promoting the integration of "marginalized people". Its Department of National Solidarity promotes the rights of indigenous populations, which encompass Pygmy hunter-gatherers, Mbororo nomadic herders, mountain dwellers, island and creek populations and cross-border populations. Although a bill on marginal populations has been drafted, rights groups consider that it does not address minority and indigenous issues comprehensively.[5] In the Ministry of Justice, the Directorate for Human Rights and International Cooperation, established by Decree No. 2005/122 of 15 April 2005, has responsibilities that include monitoring human rights issues generally and the application of the international human rights conventions to which Cameroon is a party.

12. The Independent Expert met with the National Commission on Human Rights and Freedoms.[6] The functions of the Commission, whose members are appointed by the Government, include addressing all claims concerning violations of human rights and freedoms, considering questions pertaining to the promotion and protection of human rights, bringing instruments pertaining to human rights to wider public attention, and maintaining contacts with the United Nations and other institutions. In performing its functions, it may summon the parties concerned to a hearing. Its four working groups include one focused on vulnerable groups and another on religious issues. The Commission includes civil society actors in its activities and provides reports and recommendations to the authorities.

13. Civil society groups working for the rights of minority and indigenous peoples highlight the important role of the National Commission in the protection of their rights. They pointed out that, while minority and indigenous groups are considered by the Commission, there is limited focus on their issues and few complaints are received by groups such as Pygmies. They suggested that the establishment of a separate unit for minority and indigenous peoples, employing staff from these communities, would significantly enhance its role. There has reportedly never been a Mbororo, Pygmy or Montagnard Commissioner or staff member since the establishment of the body. The Commission's role could be further enhanced to include training on minority and indigenous rights for authorities, including the police, gendarmes and judicial authorities.

IV. General and cross-cutting minority rights concerns

14. In the sections below, the Independent Expert briefly considers key thematic minority rights issues brought to her attention during her mission.

---

[4] CERD/C/CMR/CO/15-18, para. 15. See also CRC/C/CMR/CO/2, paras. 82–83.

[5] According to the International Work Group for Indigenous Affairs, the term "marginalized people" refers to all groups that have difficulty integrating into society, including the physically disabled and others. Inclusion of minority or indigenous people into this category makes it difficult to address their particular and exceptional situations.

[6] Originally established as the National Committee of Human Rights and Freedoms by Decree No. 90/1459 of 8 November 1990, it was renamed under Law No. 004/016 of 22 July 2004.

A. Land rights

15. Land issues were frequently cited as being a core concern of minority and indigenous peoples that have extremely strong and long-standing connections to land and territory, which they occupy and govern according to their customary practices, culture and traditions. Consequently, issues relating to access to and the use, occupation or ownership of land and displacement from lands featured prominently in consultations with the Independent Expert. The right to land is fundamental to the preservation of the identity, lifestyles, livelihoods and well-being of many minority and indigenous communities and to the enjoyment of a wide range of other human rights.

16. Under the primary land law,[7] the State is the guardian of all lands and has the right to intervene in land use on issues of national economic or defence policy. Lands that are not privately registered are classified as national lands controlled by the State.[8] Communities may privately register land and therefore claim ownership thereof only if they develop it by building houses or farms. The Government retains the right to stop communities from using unoccupied or unexploited national land, and may either use the land itself or grant it to another party for use or temporary concession. Where land is granted to a private company, plantation or a logging concession, for example, an environmental impact study must be conducted and a clearly established community consultation process be respected with those who use the land concerned. Human rights groups claim that this requirement is rarely fully respected in practice.

17. Some non-governmental organizations and media reports refer to an unprecedented degree of land grabbing that affects thousands of people displaced to make way for large-scale agribusiness and other projects.[9] Reportedly, the current legal and administrative regulations relating to land strongly disadvantage some communities and are frequently abused; for instance, those who use the land only for the purposes of hunter-gathering or grazing do not officially own the lands and their rights are consequently limited under the law. Some Mbororo communities have historically used certain routes for livestock grazing and therefore require essential seasonal access to them and nearby water sources. In 2010, the Ministry of Livestock, Fisheries and Animal Husbandry began consultations with civil society to revise the 1974 land tenure ordinance to address some community concerns.

B. Disaggregated data

18. Cameroon does not collect data disaggregated by ethnicity, religion or language; for this reason, few accurate and up-to-date data are available to provide a detailed picture of the country's ethnic, religious and linguistic diversity. The Independent Expert noted a general lack of statistical clarity even with regard to the actual number of ethnic groups and the number and status of national languages. Such data would reveal essential information on the population and socioeconomic situation of different groups within the country, and important trends in, for example, population numbers, religious affiliation and language usage. Such data could also identify problems facing particular groups by, for example, allowing poverty levels to be mapped and progress in poverty reduction to be monitored.

---

[7] Ordinance No. 74-1 of 6 July 1974.

[8] See John Nelson and Tom Lomax, *Forest Peoples Programme*, July 2013 (available from www.forestpeoples.org/sites/fpp/files/publication/2013/07/fpp-fpic-herakles-final-july-18-web.pdf).

[9] See www.iwgia.org/images/stories/sections/regions/africa/documents/2013/Cameroon.pdf.

19. Since independence, Cameroon has conducted only three census surveys: in 1976, 1987 and 2005. The results of 2005 were publicly released only in April 2010,[10] leading to claims of manipulation of data for political purposes. Under the country's regional-based development policy, population statistics have an impact on the allocation of State finances to different regions, the distribution of social and other services and even the allocation of parliamentary seats.

20. There is little accurate information on the numbers and relevant socioeconomic situation of Pygmies, the Mbororo and the Montagnards. While it may be particularly challenging to gather data on some of these communities, including those living in remote regions, in forest habitats and those who have a nomadic lifestyle, accurate data are nonetheless essential for, inter alia, ensuring essential services. Some non-governmental organizations with close connections to such communities are making vital efforts to conduct social surveys and community needs assessments, and deserve support in that endeavour.

C. Birth registration and national identity cards

21. Low levels of birth registration and poor access to national identity cards are a significant problem for minority and indigenous communities. The remote areas in which they live, nomadic lifestyles, lack of sensitization to the need for such documents and poor outreach by responsible bodies all contribute to the problem. Despite efforts by the Government, the issue remains a major concern and renders many effectively stateless. In 2010, a non-governmental organization, in a report on the implementation by Cameroon of the International Covenant on Civil and Political Rights, estimated that 95 per cent of the Baka did not have national identity cards, and that most could not afford to provide the necessary documentation to obtain them, even though they were required in order to vote in national elections.[11]

22. The lack of official identity documents has an impact on the enjoyment of a wide range of rights, services and social benefits. For example, the lack of such documents is said to be a hindrance in the access of Pygmy communities to hospitals, which have identification requirements for consultations. The communities therefore rely heavily on traditional remedies and development agencies for health care. A birth certificate is also a basic requirement for enrolment in primary school. Non-governmental organizations pointed out the need for measures by the Ministry of Territorial Administration and Decentralization to make birth registration easier for rural and minority communities. The vast majority of births in such communities take place at home, while birth certificates are only issued in hospitals.

23. The Government informed the Independent Expert about commendable initiatives, in collaboration with international non-governmental organizations, aimed at improving the situation for groups, including Pygmies and the Mbororo, and has successfully issued thousands of identity documents. Plan International, working together with the Ministry of Social Affairs, implemented a universal birth registration campaign in order to secure birth certificates for all children, including those (such as the Baka) belonging to minority indigenous groups. The programme reportedly helped 12,000 children to receive birth

[10] "La population du Cameroun en 2010", available from www.statistics-cameroon.org/downloads/La_population_du_Cameroun_2010.pdf.

[11] Centre for Civil and Political Rights, "NGO report on the implementation of the ICCPR", Geneva, June 2010 (available from www2.ohchr.org/english/bodies/hrc/docs/ngos/GeED_Cameroon_HRC99.pdf)

certificates in 2010 and 2011. The Civil Registration Act of 6 May 2011 extended the deadline for birth registration from 30 to 90 days.

24. In 2013, President Biya announced the issuing of free national identity cards as part of an effort to address the ongoing problem. In its national report submitted for the second cycle of the universal periodic review,[12] the Government highlighted that, in 2011, following a census carried out in eight regions, official documents were issued to members of the Pygmy and Mbororo communities: 6,600 national identity cards, and 4,253 declaratory judgements serving as birth certificates, including 1,500 for children (a birth certificate remains a requirement for the issuance of an identity card). Civil society groups pointed out that, despite the instructions from the President that identity cards be free, local officials often demand bribes and other fees that effectively defeat the purpose of the policy.

D. Access to education and health care

25. According to the United Nations Children's Fund,[13] Cameroon has a net primary school enrolment rate of around 84 per cent, making it one of the highest in western and central Africa. Civil society representatives, however, frequently cited education issues as among their primary concerns relating to some minority communities. While education is free at the primary level, certain minority communities face challenges that hamper their access to education and have a negative impact on education outcomes and literacy levels. Problems are particularly acute for communities living in remote or forest localities, and also arise in the provision of appropriate education for nomadic communities, issues relating to language for communities whose mother tongue is not used in schools (public education is conducted in French and English only, putting some children at a disadvantage) and extreme poverty.

26. Additional problems exist within communities, including a negative perception of the value of education among traditional hunter-gatherer or pastoralist peoples. The situation of minority and indigenous girls is a special cause for concern. Established gender roles, early marriage and childbirth, the priority given to boys and other cultural factors contribute to lower participation rates in education and higher drop-out rates for girls.[14] While these challenges affect many communities, they are particularly grave for certain minority and indigenous groups. The Government is striving to address such concerns, including by means of sensitization campaigns aimed at parents and the creation of "girl-child friendly" primary schools.

27. The Government stated that everyone has the right to equal access to education in Cameroon, in accordance with article 7 of Act No. 98/04 of 14 April 1998 on education guidelines in Cameroon. It noted that, in cooperation with United Nations agencies and local and international non-governmental organizations, it had strengthened measures to improve the access of vulnerable groups, in particular Pygmies and the Mbororo, to education. Such measures include scholarships, certificate-based admission to training schools, the provision of school kits, teacher training, the building of schools closer to villages, the construction or rehabilitation of classrooms, mobile schools for nomadic

[12] A/HRC/WG.6/16/CMR/1, para. 73.

[13] See UNICEF, *Progress for Children: Achieving the MDGs with Equity*, No. 9, September 2010. Available from www.unicef.org/protection/Progress_for_Children-No.9_EN_081710.pdf.

[14] According to data collected in 2011 by the Cameroon Indigenous Women Forum, the rate of illiteracy among Mbororo Fulani pastoralist women is around 98 per cent. See www.ohchr.org/Documents/Issues/IPeoples/IFP/Acisatu_Bouba_December_2012.pdf.

populations, and the issuance of birth certificates. Representatives of non-governmental organizations and minority groups pointed out that greater awareness-raising about such initiatives was required, since many people were unaware of them and their impact was therefore limited. Government officials stated that certain communities, owing to cultural and traditional factors and lifestyles, do not value education or consider it a high priority. This commonly-held view was, however, disputed by rights groups working with communities, describing it as a stereotype that can hamper steps towards solutions or be invoked to justify poor progress in the education services provided.

28. Certain groups face significant challenges, including in particular the Pygmy people with regard to health and their access to health-care services. Forest-dwelling and remote or nomadic communities frequently have no access to health care owing to their location, the lack of funds to pay for treatment, and the lack of interaction with authorities and service providers. Poor health-care information and low levels of education also have a significant impact on access to health care, while vaccination programmes can be slow to reach remote and forest peoples. Fear of discriminatory treatment can also lead communities to avoid seeking medical services.

E. Participation of minorities in political and public life

29. Certain ethnic minorities are grossly underrepresented in political, administrative and decision-making structures. It was pointed out that no member of the Pygmy or the Mbororo communities has held the position of government minister, regional governor, senior divisional officer, town or city mayor, member of parliament, senator or leader of a political party. For certain Pygmy and Montagnard communities, the situation is particularly severe. Contributing factors include lack of education, language issues and poverty, although some claim that minority groups face political marginalization and exclusion by political and ethnic elites at all levels of political life and decision-making.

30. The Electoral Code lays down provisions governing elections and the right to stand for election without discrimination. Electoral laws require that electoral lists take into account the "sociological components of the constituency concerned".[15] Non-governmental organizations consider that this creates an obligation to include on party lists appropriate representation of the ethnic communities present in the constituency. Before the elections in 2013, a number of party lists were challenged by minority rights groups on the grounds that they were not in conformity with this requirement. Nevertheless, their objections were eventually dismissed by the Supreme Court.

31. The Government pointed to some progress in improving the participation of minorities in the management of public affairs,[16] stating that it had been working on awareness-raising measures relating to political participation and to help to achieve appropriate representation of all population groups without distinction on all electoral lists and the involvement of national and ethnic minorities in the electoral process.

[15] Part V, section 151 (3), of the 2012 Electoral Code on the election of members of parliament states that "each list shall take into consideration the various sociological components of the constituency concerned. It shall also take into consideration gender aspects."

[16] A Mbororo is mayor of the Ngaoui Council in the Mbere Division. There are also four Deputy Mbororo mayors and several councillors; a Mbororo is also Chargé de Mission at the Presidency of the Republic.

F. Customary law and leadership structures

32. Customary law is legally recognized and enforceable, and remains in force in rural areas. It is valid only when it is not "repugnant to natural justice, equity, and good conscience".[17] Customary law is based on the traditions of the ethnic group predominant in the region and administered by the authorities of that group.[18] Many citizens in rural areas are unaware of their rights under civil law and refer instead to customary laws. Some communities are remote from civil courts and have little practical option other than to rely on customary law. In practice there may be negative effects of customary law and leadership structures on persons belonging to a particular ethnic or religious minority who fall under the customary practices of another, more dominant ethnic or religious group.

33. Cameroon maintains a system of chiefs, headed by paramount chiefs who hold considerable powers at the local level. While the system generally allows for a degree of autonomy over their affairs for ethnic and religious groups, the Independent Expert was informed of cases of alleged favouritism or abuse of power by paramount chiefs. In one locality near Maroua in the Far North, some Christian community members complained that, despite good relations in the past, a Muslim paramount chief had begun to charge them rent on land that belonged to them, and expressed their concern that it was an attempt to remove them from their lands. Community representatives stated that it was impossible for members of some minority groups to be appointed paramount chiefs, so they were consistently under the authority of leaders from other ethnic or religious groups.

34. Community representatives expressed their concern at the power wielded by paramount chiefs over community affairs and the lack of effective redress for those who object to decisions they find unfair or in violation of their rights. It was also reported that regional government officials, including governors and senior divisional officers, exercise little authority over or have a negligible oversight role in the activities of paramount chiefs, and take little if any action to resolve local disputes falling within the jurisdiction of a paramount chief.

V. Situation of Pygmy communities

35. Pygmy communities have traditionally lived in the forests, conducting hunter-gatherer lifestyles in harmony with their forest environment. Many have historically had little interaction with wider society and had a self-sufficient, subsistence livelihood. These communities have, however, been deeply affected by the logging industry and other natural resource and economic development projects in the areas that they traditionally inhabit. Logging activities are estimated to cut down 2,000 km^2 of forest every year. The loss of forestland and the removal of the Pygmies to make way for logging and development projects have had a major impact on Pygmy communities, which are poorly equipped for life outside the forest.

36. Non-governmental organizations estimate that as many as 75,000 Baka Pygmies live in Cameroon, although their exact number is unknown. The logging industry has led to the resettlement of many Baka to villages and roadside camps outside the forest, where they face discrimination, marginalization and numerous social problems. They lack education and employment; alcoholism and teenage pregnancy are reportedly common in displaced Pygmy communities. Deprived of forest-based food sources and lacking sustainable

[17] CCPR/C/CMR/4, para. 48.

[18] Centre for Civil and Political Rights, "NGO report" (see footnote 11), pp. 10-11.

income-generating activities, the displaced Pygmy communities suffer from poor nutrition, which has a direct impact on health, child development and life expectancy.[19]

37. The Independent Expert visited a displaced Bagyeli Pygmy community in Kribi, in the South. The people live in very basic accommodation and extreme poverty. One community leader requested the Independent Expert to "help bring us out of this misery". While economic development projects are necessary for the country's development, non-governmental organizations working with Bagyeli communities commented that many Pygmy communities have been displaced by major projects, including a deep-sea port, gas plants, the Chad-Cameroon oil pipeline, and forestry and logging projects. Palm and rubber plantations have also displaced the Bagyeli, and their former forest habitats have become "no-go" areas for them. They rarely receive compensation for their land, jobs, health care or other benefits.

38. The national land tenure laws are particularly problematic for Pygmies, since they recognize those who develop the land as eligible for land concessions or compensation if they are required to be relocated for development projects. The Pygmies, however, are only considered to occupy the forest and have consequently not been granted rights of ownership or given compensation when they have been relocated. The Government pointed out that the 1994 law on the rules governing the forests authorizes the reassignment to the local Pygmy and Bantou peoples of a share of annual forest and faunal royalties that amounts to 12 per cent.[20] It is unclear whether this has been honoured in practice and how such an allocation has been provided or used to assist communities.

39. Pygmies commonly lack education and skills, and have no access to employment or any form of income-generating activities. They frequently lack agricultural skills and training. In some cases, they face exploitation for their labour or are subject to abuse by others who see them as backwards and undeveloped. Some Bantu communities reportedly treat Pygmies as their property, and use them in what amounts to conditions of forced labour. There are few avenues for Pygmies to take up their issues, since they are almost totally excluded from political and decision-making bodies at all levels.

40. A number of government-supported programmes are aimed at improving the living conditions of Pygmy groups. In July 2013, the Ministry of Social Affairs announced the second phase of its development plan for Pygmy peoples, implemented by the National Participatory Development Programme. Under the plan, some 800 million CFA francs have been allocated to activities for Pygmy peoples in 31 municipalities in the Centre, East and South regions. Components of the plan focus on key areas of concern, including citizenship, education, agriculture, health, inter-community dialogue and land security.

41. Cameroon adopted a plan for the development of the Pygmy peoples within the framework of its poverty reduction strategy paper. A plan for indigenous and vulnerable peoples has also been developed in the context of the oil pipeline carrying oil from Chad to the Cameroonian port of Kribi.[21] The international non-governmental organization Plan International is working with the Ministry of Basic Education to pilot the use of the Baka language in some primary schools, and hopes to demonstrate an improvement in education outcomes for the Baka who undertake the programme compared to those who attend schools using only the official languages. School books and teaching materials appropriate

[19] See the report of the Special Rapporteur on the right to food on his mission to Cameroon (A/HRC/22/50/Add.2), para. 16.

[20] CERD/C/CMR/15-18, para. 86.

[21] See www.iwgia.org/images/stories/sections/regions/africa/documents/IW2010/cameroon_iw_2010.pdf.

for use by Baka children have been developed, and children attending pilot schools have been provided with school kits.

42. The Independent Expert was informed that, despite the above-mentioned efforts, many governmental initiatives achieve limited results because they are often ad hoc in nature, not permanent or sustainable, and not based on specialist knowledge of the communities and their needs, or on the expertise of non-governmental organizations working with them. Some projects provide money to communities, although many are not used to receiving and managing money; it could indeed be counterproductive, and lead to problems, including alcohol abuse.

VI. Situation of Mbororo pastoralists

43. Mbororo pastoralist communities are estimated to number more than 1 million people, which would account for some 12 per cent of the total population. The Independent Expert met numerous community representatives, including the Mbororo Social and Cultural Development Association in Yaoundé and Bamenda (North-West), and visited Mbororo communities near Bamenda. Some described a problem of general discrimination against the Mbororo owing to a perception that they are a foreign presence or strangers who do not fully belong, and are consequently treated as second-class citizens.

44. While in certain regions such as the North-West, the Mbororo are now largely settled communities, in other regions, such as the Far North, the Mbororo continue their nomadic, pastoralist lifestyle. Land issues may therefore differ from one region to another, and for different pastoralist communities. Cases of tensions and conflict over land ownership, occupation and use were frequently raised by representatives of Mbororo communities. They stated that conflicts between farmers, ranchers and herders are a major issue for the Mbororo throughout the country, and that some conflicts have continued for generations.

45. The Mbororo claim that agro-industrial companies, including some foreign-owned companies, are taking over large areas of historic grazing lands (such as in Kadey and Lom and Djerem Divisions) in order to establish sugar plantations and other forms of agro-business. This is allegedly done without the free, prior and informed consultation with or consent of the Mbororo communities. Concerns also exist over the impact of the establishment of national parks, including Ntakamanda National Park in the South-West, and the threat of expulsion of Mbororo families and their livestock from newly protected areas. The Mbororo have reportedly occupied these lands for more than a century. Ranching operations in the Adamawa region is a major concern for the Mbororo, who claim that their traditional herding is being threatened.[22]

46. Some land rights cases demonstrate that the current system of land categorization, tenure or ownership may leave some communities vulnerable to eviction from their homes and lands, and may be open to abuse. Poor, rural and poorly educated communities may be particularly vulnerable to attempts to obtain their lands by parties that do not compensate them adequately or make clear the nature of agreements proposed and that may ultimately lead to their eviction. It is imperative that any such transactions are fully transparent and, where necessary, subject to judicial review.

47. The Independent Expert visited the community of Wumse Ndzah, Bamenda III Subdivision (North-West), the scene of a long-term land dispute between the Mbororo community and the Catholic University. The University claims to have paid compensation

[22] See www.iwgia.org/images/stories/sections/regions/africa/documents/2013/Cameroon.pdf.

to community members to acquire and build on the site. Community members countered that they had not been fully aware of what the payments were for and would not voluntarily have agreed to quit their homes and land that they have occupied since 1904. Community representatives claimed that their land had been falsely classified as Category 2 land, namely, unoccupied and available for concession. The community added that, had this been the case, however, no payment would have been made to the community by the University.

48. The Independent Expert visited the neighbouring Bambili Tubah Sub Division, where houses belonging to the ethnic Bambili community had been demolished, reportedly by bulldozers sent by the administration of Mezam Division. Community members stated that they had not been consulted or given prior warning, and that lives may have been endangered. They did not know why their homes had been destroyed. Those affected remain homeless or live with neighbours, and were clearly distressed. The authorities reportedly claim that prior warning had been given and that the land had been designated as a resettlement site for the Mbororo due to be expelled from their homes on the neighbouring Mamada Estates (see paragraph 47).

49. High-profile land disputes involving Mbororo communities have drawn much media attention, including a long-standing dispute with Baba Ahmadu Danpullo, a prominent and wealthy individual rancher, in the North-West. The Government has taken steps to settle this and other disputes; for example, in 2003, it created a special interministerial commission to investigate the conflict between the landholder and the Mbororo. The recommendations made by the commission - including restoration of the original ranch boundaries and compensation for displaced victims - have not, however, been implemented, leading to a protracted dispute that now threatens to undermine new initiatives to resolve it.

50. Mbororo representatives made serious allegations relating to ongoing land disputes, including the shooting and serious injury of a Mbororo human rights defender and the alleged harassment, including judicial harassment, of others. Representatives of the Mbororo Social and Cultural Development Association (see paragraph 43 above) alleged that they had been subject to harassment and unfounded charges because of their legitimate activities to protect and promote the rights of the Mbororo and ongoing land disputes. They alleged that investigative and judicial procedures had been flawed and discriminatory, and called into question the independence of law enforcement bodies and the judiciary.

51. In the Far North, local authorities stated that there were few tensions between pastoralists and farmers or other local inhabitants over land and resources. Unlike in other regions, most pastoralists are nomadic and continue to follow a traditional lifestyle and traditional grazing routes, which are well known to farmers and accepted by them. Many Mbororo cross national borders and do not have identification cards. They may stay to graze for weeks at a time, but then move on to find food for their cattle; they thus have little impact on local communities and there is little cause for tensions or conflict, because land is plentiful in the region.

52. Civil society representatives nevertheless highlighted the fact that the Mbororo face numerous challenges relating to their nomadic lifestyles, and emphasized that conflicts over land are common in all regions. In the far North, vast areas of grazing lands normally used by pastoralists have reportedly been leased to foreign companies, including as hunting zones for the foreign tourist market. Mbororo cattle have been killed because they allegedly "trespassed" into these zones.

53. In consultation with civil society, a pastoral code has been drafted, which includes provisions for the demarcation of boundaries between pastoral land and farmland, which is

a major source of conflict. If adopted,[23] the code would open corridors for cattle grazing, facilitate access to water sources, and outline procedures for the establishment and management of community pastures. While civil society groups consider the code a very positive development, they point out that it still does not affirm the collective customary ownership rights of the Mbororo over lands they have been using for generations or address the issue of grazing lands being "national lands" under the current land laws.

54. The Mbororo are subject to a long-standing tax on their livestock (cattle and horses) that they consider to be discriminatory. The Jangali tax is reportedly levied – above and beyond regular purchase and sales taxes for livestock – on all livestock, even animals kept for subsistence or cultural reasons and not purely for economic profit. The tax, which is reportedly levied annually on each animal, disproportionately affects the Mbororo because of their strong cultural and everyday association with livestock.

55. Mbororo communities in the far North reported cases of violence and kidnapping by armed bandits or *coupeurs de route*, a phenomenon that has reportedly increased significantly in recent years. Armed persons steal cattle or kidnap family members who are held hostage for ransom. The perpetrators are aware that families have livestock, which they can sell to pay ransom demands, although this may impoverish the herders' families. Local authorities in Maroua stated that a special police rapid intervention force (BIR) was established in 2011 to prevent armed robbery and kidnapping, and that the situation had improved.

56. In Bamenda, Mbororo representatives acknowledged the progress made in the 2013 council elections, in which 48 Mbororo councillors had been elected, reflecting a significant increase. The Mbororo attributed the increase to, inter alia, awareness-raising initiatives on minority indigenous, civil and political rights by non-governmental organizations and efforts by political parties to gain the Mbororo vote. While the number of councillors was the highest in more than a century, the representatives pointed out that there had never been a Mbororo Member of Parliament, and that much remained to be done at the regional and national levels to achieve appropriate representation. The Mbororo now account for 4.8 per cent of councillors in the region; according to ILO, however, the Mbororo number some 130,000, or 7 per cent of the total regional population.[24] While four of the councillors are women, targeted efforts are needed to increase female representation.

VII. Situation of Montagnard communities

57. The Independent Expert was informed by civil society groups about the challenges faced by Montagnard communities. The exact number of Montagnards (also known as Highlanders or Kirdi) which comprise various ethnic groups, is not known. The Government estimates that there are some 82,000, while non-governmental sources suggest that they number more than 400,000 in the Mandara Mountains area in the Far North. The Montagnards reportedly endure particular challenges owing to their cultural and social marginalization, their economic situation and high incidence of poverty, and their underrepresentation in political, decision-making and administrative bodies.

58. The Independent Exert was concerned at the lack of detailed information relating to Montagnard communities. According to civil society actors, this lack of data has resulted in

[23] According to the International Work Group for Indigenous Affairs, the code was validated in December 2012 and forwarded to the Head of Government for submission to Parliament. See www.iwgia.org/images/stories/sections/regions/africa/documents/2013/Cameroon.pdf.

[24] See www.ilo.org/indigenous/Activitiesbyregion/Africa/Cameroon/lang--en/index.htm.

their neglect when compared to other communities, and in terms of policy and programme measures to improve their living conditions and socioeconomic situation. While people of all ethnic and religious groups living in remote and mountainous regions may have to endure a range of problems caused by lack of development and by poverty, ethnic and religious minorities such as the Montagnards may be made particularly vulnerable by factors that include their non-dominant position with regard to other communities.

59. The Independent Expert was informed that, historically, the Montagnards have always had a lower economic and social status than other communities, a condition that continues to this day. Some were historically former slaves of the Fulani people in certain chiefdoms since the nineteenth century. Today, some reportedly continue to experience exploitative relations with neighbouring communities, including labour practices that may constitute bonded labour or forced servitude. Some Montagnards allegedly work for Fulani rulers for low wages and remain trapped in such hierarchical relations because of a lack of options and poverty. They are reportedly required to pay local chiefdom taxes to the Fulani. The combination of low wages and taxes, although legal, may effectively constitute forced labour.[25]

60. Montagnard communities reportedly have no paramount chiefs; indeed, their chiefs are commonly considered third-class and under the authority of Islamo-Fulbe chiefs (*Lamibes*). Consequently they have little decision-making power or authority over community affairs that affect them and their lands. The Montagnards are Christians or followers of traditional African religions; some reports allege that they are subject to religious-based discrimination by dominant Muslim communities. They are reportedly not represented in regional or national decision-making and political and economic structures of State, and consequently have little say in decisions affecting them. Some groups have allegedly been displaced from their lands by government projects, without compensation.

61. A range of other problems that this minority group faces require investigation and attention. The often remote location of their land results in an absence of governmental administrative services, for example, for the registration of births. Montagnard communities also suffer from a lack of education and health-care facilities, since most schools and hospitals are located in urban centres. Infant mortality rates are reportedly higher than the national average. A lack of investment in infrastructure in the mountain region has resulted in the scarcity of roads and an electricity supply, water sources and employment opportunities. Since the mountain region is also unsuitable for agriculture, most people have no regular source of income; consequently, the levels of poverty and extreme poverty are reportedly high.

62. The Government highlighted the fact that a number of initiatives seek to address the challenges faced by mountain communities. The Mandara Mountains Development Project, for example, is an integrated project designed to improve the living conditions of mountain peoples thanks to the provision of basic social welfare services to targeted social groups in an effort to eliminate all forms of discrimination against them.[26]

VIII. Religious minority issues

63. In general, religious groups coexist harmoniously in Cameroon. The Constitution and other laws and policies protect religious freedom and, in practice, the Government

[25] United States Department of State, Cameroon 2012 Human Rights Report, available from www.state.gov/documents/organization/204309.pdf.

[26] CERD/C/CMR/15-18, para. 78.

generally enforces these protections. Muslims and Christians are found in every region, and large cities have significant populations of both groups. Anglophone regions of the western part of the country are largely Protestant, while the francophone regions of the southern and western areas are mostly Catholic. In the northern regions, the dominant Fulani (or Peuhl) ethnic group is mainly Muslim, but the overall population is fairly evenly divided among Muslims, Christians and followers of indigenous religious beliefs. Indigenous religious beliefs are commonly practiced in rural areas.

64. The Independent Expert met leaders of Pentecostal churches, who raised concerns, including with regard to registration processes that they believe discriminate against them. Although the history of the Pentecostal Church in Cameroon reportedly dates back to 1958, leaders stated that they have not been granted the same recognition as other faiths. Despite an increase in followers, pastors noted official and wider social discrimination against their churches and congregations and negative perceptions of them as "sects" posing a danger to those who join. One leader referred to "open expressions of hatred" in the media, portrayals of them dividing families, and hostility that "makes it difficult for individuals to live openly according to their faith". They described persistent harassment and persecution, including the arrest of pastors on charges that they consider unjust or fabricated.

65. Pentecostal Church leaders pointed out that many churches had not received authorization to function even though they had fulfilled all the requirements, and were therefore forced to function without legal status. They stated that, despite prior authorization received from the Ministry of Territorial Administration and Decentralization and background checks having been conducted, their files were frequently "lost" or blocked at some stage prior to completion, sometimes for several years. The authorities "refused to collaborate at every level". Leaders called for open and transparent procedures for authorization, with clear criteria and time frames that should be adhered to, and refusals for authorization clearly explained.

66. Pentecostal leaders raised concerns about the closure of more than 30 churches in Yaoundé and Bamenda in August and September 2013 by written instruction of senior divisional officers "for activities contrary to the law and good morals", and reportedly based on an order of the President. Reports suggest that further closures may be planned. Many churches were identified as "clandestine", functioning without full legal status. Media reports highlighted allegations of illegal and immoral activities in some churches as justification for the closures.

67. Leaders strongly refuted accusations of illegal activity by most churches, adding that any allegations made should be investigated and individuals be prosecuted if found guilty of illegal acts. They felt, however, that many churches were being collectively punished for the actions of a few, given that the majority of churches are law-abiding. They added that they had not been consulted before the closures. Pastors stated that there is a climate of hostility towards Pentecostal churches that is being fuelled by inflammatory media coverage and the statements of politicians. They called for international and national laws on freedom of religion and belief, non-discrimination and minority rights to be implemented fully for all religious minorities.

IX. Linguistic minority issues

68. Article 1 of the Constitution establishes that English and French are the official languages of Cameroon, and that both languages have the same status. The State is to guarantee the promotion of bilingualism throughout the country, endeavour to protect and promote national languages. French and English were introduced during the colonial period. After independence and reunification in 1961, Cameroon opted for a policy of

official language bilingualism. Experts suggest that more than 275 indigenous African languages are spoken in the country, making Cameroon one of the most linguistically diverse countries in the world. Many mother-tongue languages remain in common usage in different regions. Some languages are used by relatively few and have no written form to assist in their preservation, making them particularly vulnerable.

69. The UNESCO Atlas of the World's Languages in Danger (www.unesco.org/culture/languages-atlas/index.php) identifies 36 languages in Cameroon categorized as endangered to varying degrees, with three identified as extinct. Factors contributing to the serious decline of some languages include the prevalence of French and English as national languages and the lingua franca in most official interactions, including government, administration and services. The sheer extent of linguistic diversity in the country may also be a factor, since the high degree of interaction and intermarriage between those of different language groups results in the need for a common language, which is then transmitted to the children as their main language of communication. Young people increasingly prioritize French and English as most useful for their economic, social and physical mobility.

70. A significant proportion of the population conduct their daily interactions in mother-tongue languages and are not fluent in the official languages. This fact can be a major barrier to the development of some minority communities, and poses challenges in their interaction with authorities. Cameroon does not have an official policy for the protection and promotion of native languages. A number of initiatives have however been taken to protect and promote national languages in accordance with the Constitution. These initiatives include projects that involve the recording of languages and a pilot bilingual education programme conducted in cooperation with non-governmental organizations, including Plan International.

71. Cameroon's bilingual policy and its emphasis on French and English to the detriment of other languages have also been motivated by the desire to promote national unity; however, French remains the most commonly used and understood European language, spoken by more than 80 per cent of the population. Despite the bilingual policy, there is a distinct geographical demarcation between English- and French-speaking regions. The Independent Expert noted several positive elements of the bilingualism policy in practice, including in some television, radio and print media, in which English and French were clearly used alongside each other. Critics however suggest that the majority of media output is solely in French in most of the country.

72. In Bamenda, in the North-West (one of two regions where the majority are anglophones), the Independent Expert encountered a commonly voiced perception of general discrimination against anglophones, and specifically in such areas as access to public posts and political office. Some complained that, even within anglophone regions, francophones are commonly appointed to senior positions and public offices, decisions that some perceive as deliberate and politically motivated. Francophones have access to employment in the civil service without being bilingual, whereas this is rarely the case for anglophones.

73. The predominance of French as the language of Government and administration in most regions was highlighted. Numerous official documents, including certain laws and decrees, are unavailable in English. The Government has promoted bilingualism by creating bilingual secondary schools and through initiatives that include pilot linguistic centres. Francophones have, however, little incentive to learn English, while anglophones stated that they felt forced to learn French to have access to the status and opportunities that its knowledge affords. One commentator stated, "even in this anglophone region, we are served in French". Others described their perception of relative general neglect of the anglophone region with regard to economic development.

74. The Independent Expert was informed about the situation of certain anglophone individuals and organizations advocating for greater political autonomy for their regions or for secession from Cameroon, including on the grounds of the distinct cultural and linguistic characteristics of the region's inhabitants and other historical factors. Some organizations, including the Southern Cameroons National Council, have been banned on the grounds of their activities, and numerous individuals have faced arrest, detention and restrictions on their freedom of association and assembly and their freedom of expression. Serious allegations of mistreatment and abuse in detention were made, while it was also noted that no individual had been found guilty by the courts of any crime.

X. Conclusions and recommendations

75. It has been frequently said that Cameroon is "Africa in miniature". It is indeed evident that the diversity in the country is valued, and that persons belonging to many different ethnic, religious and linguistic groups feel that they are equal stakeholders in society. Cameroon is rightly proud of its record of stability and peaceful coexistence of its diverse communities. While an emphasis is placed on creating unity in diversity, most people are free to practice their religion, use their language and maintain and express unique aspects of their identity, culture, traditions and lifestyles without hindrance. In many respects, Cameroon is a positive example of managing a highly diverse society in the region.

76. As in all countries in the region, however, challenges involving specific minorities with unique circumstances remain to be resolved. Those belonging to the Mbororo, Pygmy and Montagnard communities face challenges specific to their lifestyles, livelihoods and relationship to the lands that they own, occupy or historically use. The Independent Expert welcomes the Government's openness to discuss these remaining and ongoing concerns, and to work with minorities and national and international partners to overcome them. Importantly, adequate financial, human and development resources must be allocated and targeted at protecting and promoting the rights of minorities.

77. Communities, such as the Mbororo, the Pygmies and the Montagnards, with their unique lifestyles, cultures, traditions and languages, constitute a rich and irreplaceable part of the country's national and cultural heritage. Parts of that valuable heritage are, however, under clear and immediate threat from development projects and the activities of private companies and other actors. While economic and development goals are legitimate and necessary for the benefit of all, they should not be pursued at the cost of the loss of distinct communities and cultures. In the planning, design and implementation of national projects, due regard must be given to minimizing their impact on vulnerable communities, whose interests must be accorded a high priority.

78. The Independent Expert urges the Government to take measures to fully record and gather regular social and economic data, including in census surveys, that will clearly map the country's diversity and help to reveal the specific challenges facing particular population groups. In addition to gender disaggregation, data should be disaggregated on the basis of ethnicity, religion and language, and individuals should be able to self-identify as belonging to their chosen ethnic and linguistic group, and faith.

79. The Independent Expert welcomes the efforts made by the Ministry of Arts and Culture to ensure the preservation of the country's diverse cultural heritage. Adequate resources should be provided for the cultural and protection activities of the

Ministry, including through the establishment of the new national museum, which will have great potential to play a key role in education, awareness-raising and cultural preservation.

80. The current legal and administrative regulations governing land use, occupation and ownership do not offer certain minority and indigenous communities adequate protection of their land rights, and should be reviewed and amended to provide stronger legal protection against land grabbing, illegal eviction, forced displacement and ongoing land disputes. Specific legal and policy measures are required to protect the land rights of those who practice nomadic, transhumance and hunter-gatherer lifestyles, including their right to have access to traditional forest habitats and to use land seasonally for grazing.

81. The Government is urged to ratify ILO Convention No. 169. Importantly, the Convention requires that indigenous and tribal peoples be consulted on issues that affect them and be able to engage in policy and development processes that affect them. It also requires their free, prior and informed consent for projects implemented on their lands and territories. A specific national law on the rights of minority and indigenous peoples should be drafted in consultation with the communities concerned.

82. Local disputes, including over land and inter-community affairs, are commonplace and must be effectively settled and prevented to avoid tensions emerging and growing between communities. It is essential that Government leaders at the local and national levels consult and involve grass-roots community representatives in decision-making processes in order to maintain the peaceful coexistence of the various ethnic and religious groups. National human rights commitments must be better implemented and monitored at the local level.

83. Mechanisms should be established, in consultation with communities, to ensure that local leadership structures and chiefdoms function in the interests of all communities without discrimination. Effective oversight mechanisms and complaint procedures should be put in place to ensure that paramount chiefs and others with lower-level authority are subject to appropriate review and that community members from all groups have channels through which to challenge decisions or register complaints.

84. The Independent Expert acknowledges the significant efforts made by the Government to ensure free primary education for all children. She however urges it to intensify specific, targeted efforts to improve education access and outcomes for children from minority communities. Education initiatives should be developed in close consultation with minority communities and non-governmental organizations, and should be sensitive to the specific situations of such groups and their cultures, traditions, lifestyles and languages.

85. The State should strengthen legislative and policy measures to ensure the political participation of groups that are currently underrepresented in political and decision-making bodies at the local, regional and national levels, including the Pygmy, Mbororo and other communities. Existing measures, including those relating to electoral processes, should be reviewed and, where necessary, revised or clarified and their implementation evaluated to ensure that they are fit for their intended purpose. The Independent Expert urges the State to consider the recommendations made at the second Forum on Minority Issues in this regard.[27]

[27] See A/HRC/13/25.

86. **The customary leadership structures and practices of minority and indigenous communities, including in the appointment of chiefs and the resolution of community-based disputes, should be fully respected and allowed to function according to traditional practices with no undue interference by other communities, individuals or the State. Where a complaint is made that there has been undue interference or disputes exist, an independent review should be conducted with the full participation of the parties and community members concerned, both men and women.**

87. **Mbororo pastoralists are facing pressure to settle as well as loss of access to traditional lands. In addition to measures to protect their rights to land and water and to urgently resolve ongoing land disputes, initiatives should be continued and intensified to ensure their access to basic services, education and health care appropriate to their needs, culture and traditions and, where necessary, their nomadic lifestyle. The draft pastoral code provides essential guarantees for pastoralist communities, and should be adopted into law.**

88. **The Pygmies are the guardians of the forest, in which they have always lived in harmony. The Government should respect the rights of Pygmy communities to continue to live in their traditional forest habitats and to have full access to the forests and their traditional hunter-gatherer lifestyles wherever possible, and find solutions, in consultation with communities, to enable them to do so.**

89. **Where displacement of Pygmy communities has taken place or is unavoidable following full review of available options, communities should be consulted fully regarding relocation, with priority given to options allowing them to continue their traditional forest-based lifestyle. Communities should be fully supported in the short, medium and long term to ensure their access to services, food security, their safety and secure, non-exploitative interaction with neighbouring communities, and their access to income-generating activities. Compensation for their displacement must be appropriate to their situation, culture and traditions.**

90. **Essential research is required on Montagnard communities and the regions in which they live, to build a comprehensive picture of their numbers, geographical location, socioeconomic conditions relative to other communities, the minority and other human rights issues that they face, and their needs as individuals, families and communities. On the basis of such research, targeted interventions should be made, in close consultation with communities, in order to urgently improve their situations and enjoyment of their rights.**

91. **The protection of the right to freedom of religion and belief and of the rights of religious minorities to freely practice their faith must extend to all faith and belief groups, and not be unduly restricted. Registration processes, where required, to grant authorization to function should be non-discriminatory, and clear criteria and time frames should be established and respected in practice. No undue delays or restrictive criteria should be imposed and, where authorization is not granted, clear reasons should be stated and appeals permitted.**

92. **Individuals or groups suspected of having committed crimes in the context of their faith or belief-based activities should be prosecuted pursuant to national law and in compliance with international standards of fair trial. Faith communities conducting legitimate faith-based activities, including assembling for worship and proselytizing, should not face undue restrictions on those activities, be closed or otherwise punished without due recourse to the law and judicial process.**

93. **In the specific cases of the Pentecostal churches closed in 2013, an investigation of such closures should be urgently conducted. Where no justifiable legal grounds for their closure are found, the churches should be allowed to reopen and resume their**

functions. Where any church was found to have been closed for functioning without proper legal authority, investigations should establish whether such authority was sought and whether any undue delay or obstruction was imposed to prevent the granting of such authority.

94. The decline and possible disappearance of some of the many mother-tongue languages spoken in Cameroon are cause for national and international concern. The Independent Expert welcomes initiatives to record and maintain these languages alongside French and English, and urges the Government to intensify such measures in collaboration with international actors and experts in this field, including the United Nations Educational, Scientific and Cultural Organization.

95. A pilot project for bilingual education for certain linguistic groups, including Baka Pygmy communities, has now begun in several schools using a model that has proved effective for improving education outcomes for minority children and for helping to maintain minority languages. Should the results be positive, the Government is urged to expand models of bilingual and multilingual education throughout the country, with adequate resources being provided for teacher training, the supply of text books and other appropriate teaching materials.

96. There are significant challenges to the achievement of the full and effective implementation of the State's policy of official language bilingualism. Further steps are necessary, including in the fields of education, training and administration, to ensure that no discrimination or economic, social or cultural exclusion is experienced, in particular by minority English speakers in non-Anglophone majority regions, but also by minority francophones in English-speaking regions. The implementation of the policy should be closely monitored throughout the country, and stronger measures should be taken to ensure equality in practice, including in employment and in appointments to public office.

97. Serious allegations were brought to the attention of the Independent Expert regarding violations of the civil and political rights of individuals advocating for greater political autonomy for anglophone regions or for their secession from Cameroon. The Independent Expert emphasizes that, without any crime having been committed, actions to restrict the freedom of association and assembly or the freedom of expression of such individuals, as well as their arrest and detention, constitute violations of their civil and political rights and, as such, should be revoked immediately.

98. The National Commission on Human Rights and Freedoms has a valuable role to play in the protection of minority rights, which could be further enhanced by a dedicated unit and the inclusion in its work of training on minority and indigenous rights for authorities, including for public officials, the police, gendarmes and judicial authorities.